# FEDERAL REGISTER

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 01—ORGANIZATION AND OFFICIAL RECORDS OF THE COMMISSION

REGIONAL OFFICES

Section 01.16 is amended in pertinent part as follows:

§ 01.16 *Regional offices*—(a) *Organization.* In the interest of economy and efficiency in administration of the field service, the Commission has divided the United States into fourteen regions. The activities of each region center in a regional office, located in a principal city within the region. A Regional Director is in charge of each Regional Office.

Each Regional Office supervises civil service activities within its area, in accordance with policies and procedures established by the Commission, furnishes information to the public, and announces regional and local examinations to fill positions under the jurisdiction of the region.

The functions of the regional office are performed under the regional director by Divisions and staff officials such as the following:

Regional Examining and Placement Division.
Regional Investigations Division.
Regional Classification Division.
Regional Administrative Services Division (or Staff).
Regional Inspection Division.
Regional Loyalty Board.
Budget and Fiscal Officer.
Personnel Officer.
Medical Officer.
Regional Veterans Federal Employment Representative.
Examiner for Appeals under section 14 of the Veterans' Preference Act of 1944.
Regional Committee on Administrative Personnel.

* * * * *

(Sec. 2, 22 Stat. 403; 5 U. S. C. 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
*President.*

[F. R. Doc. 48-6614; Filed, July 22, 1948; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

MISCELLANEOUS AMENDMENTS

1. Under authority of § 6.1 (d) of Executive Order No. 9830, and with the concurrence of the Department of Commerce, § 6.4 (a) (11) (xviii), under which all positions under the Warrior River Terminal Company were excepted from the competitive service, is revoked, effective upon publication in the FEDERAL REGISTER.

(Sec. 6.1 (d), Feb. 24, 1947, E. O. 9830, 12 F. R. 1259)

2. Effective upon publication in the FEDERAL REGISTER, § 34.11 (b) is amended to read as follows:

§ 34.11 *Separations.* * * *

(b) *Status during removal proceedings.* In exceptional cases where there are circumstances by reason of which the retention of a hearing examiner in his position, pending adjudication of the existence of good cause for his removal, would be detrimental to the interests of the Government, agencies shall either assign the hearing examiner to duties in which these conditions would not exist, or place him on annual leave for the period that will be covered by the annual leave to his credit. Action under this paragraph may be taken only with the prior approval of the Commission.

(Sec. 11, 60 Stat. 244; 5 U. S. C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
*President.*

[F. R. Doc. 48-6613; Filed, July 22, 1948; 8:50 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51975]

BAGGAGE AND SEAL-SKIN ARTICLES

Sections 9.4, 10.16 to 10.21, inclusive, and §§ 10.28, 10.42, 12.63, 16.12 and 23.5 of the Customs Regulations of 1943, relating to baggage and seal-skin articles, amended.

(Continued on p. 4217)

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## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

## CODIFICATION GUIDE—Con.



PART 9—IMPORTATIONS BY MAIL

Section 9.4, Customs Regulations of 1943 (19 CFR, Cum. Supp., 9.4), is amended by changing the period at the end of the first sentence to a comma and adding "except as provided for in § 10.20 (c) (3) of this chapter."

(Secs. 498, 624, 46 Stat. 728, 759; 19 U. S. C. 1498, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. Section 10.16 (c), Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.16 (c)), is amended to read as follows:

§ 10.16 *Status of passengers.* * * *

(c) Any person arriving in the United States who is not a resident of the United States or who, though a resident of the United States, is not returning from abroad shall be treated for the purposes of the regulations in this part as a nonresident. (Par. 1798: sec. 201, 46 Stat. 683, sec. 337, 49 Stat. 1959, sec. 36, 52 Stat. 1093, Pub. Law 540, 80th Cong., sec. 498, 46 Stat. 728; 19 U. S. C. 1201, 1498)

2. Notes 21 and 22 appended to § 10.16 are deleted.

3. Sections 10.17 to 10.20, inclusive, Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.17–10.20), and the notes appended thereto are amended to read as follows:

§ 10.17 *Exemptions for returning residents*—(a) *Personal and household effects taken abroad.* Each returning resident is entitled under the second and last provisos to paragraph 1798, Tariff Act of 1930, as amended,[21] to bring in free of duty and internal-revenue tax all personal and household effects which he took abroad. If any such effect has been advanced in value or improved in condition while abroad by repairs (including cleaning) not merely incidental to wear or use while abroad, or by alterations (including additions) which did not change the identity of the article, the cost or value of such repairs or alterations is subject to duty, unless all or part of such cost or value is covered by an allowance of the $100 or $300 exemption hereinafter mentioned. An effect taken abroad and there changed into a different article is dutiable at its full value when returned to the United States, unless covered in whole or in part by some provision for free entry.

(b) *Articles acquired abroad.* Subject to the limitations and conditions hereinafter stated, each returning resident is entitled under the third, seventh, and tenth provisos to paragraph 1798, as amended,[22] to bring in free of duty and internal-revenue tax up to but not exceeding $100, and in appropriate cases up to but not exceeding an additional $300, in value of articles for his personal or household use which were purchased or otherwise acquired abroad by him merely as an incident of the foreign journey from which he is returning. These exemptions do not apply to articles intended for sale or acquired on commission, i. e., for the account of another person, with or without compensation for the service rendered.

(c) *Gifts.* An article acquired abroad by a returning resident and imported by him to be disposed of after importation as his bona fide gift is for the personal use of the importer. Articles forwarded to a donee by a donor who is abroad are not imported by or for the account of the donor and are not allowed any exemption to which he may become entitled.

(d) *Tobacco products, alcoholic beverages, and foodstuffs.* Cigarettes, manufactured tobacco, not more than 100 cigars, and not exceeding an aggregate of 1 wine gallon of distilled spirits, wines, and malt liquors may be included within the $100 exemption. The exemption allowed for 1 wine gallon of alcoholic beverages may be applied to more than one kind of beverage. No distilled spirits, wines, malt liquors, or cigars shall be included in the $300 exemption. Foodstuffs may be included in either exemption.

(e) *Cumulation of $100 and $300 exemptions.* (1) When all the applicable conditions of each exemption are met, both the $100 and $300 exemptions may be allowed to one person on one return. Moreover, the $300 exemption may be allowed when its conditions are satisfied and when it is in addition to an allowance under the $100 exemption within the preceding 30-day period.

(2) In each case in which both exemptions are allowed on one return, the declarant may designate accompanied or unaccompanied goods listed on his declaration which would not be entitled to application of the $300 exemption (alcoholic beverages and cigars) for allowance of the $100 exemption. Subject to this exception, in each such case the $100 exemption shall be applied first[23] and to the value of the articles subject to the highest rates, and the additional $300 exemption shall be applied to the value of articles subject to the next highest rates, including any amount in excess of $100 pertaining to articles covered in part by the $100 exemption. This rule shall be applied to articles accompanying the returning resident and the same rule shall be applied separately to each unaccompanied shipment covered by his declaration. If an internal-revenue tax is applicable, it shall be combined with the duty in determining which rates are highest.

(f) *Family grouping of exemptions.* Each member of a family is entitled to the $100 or $300 exemption, or both, subject to the conditions prescribed in

[21] "(2) *Provided further,* That in case of residents of the United States returning from abroad all wearing apparel, personal and household effects * * * taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established under appropriate rules and regulations to be prescribed by the Secretary of the Treasury:

"(10) *And provided further,* That all articles exempted by this paragraph from the payment of duty shall also be exempt from the payment of any internal-revenue taxes." (Tariff Act of 1930, par. 1798 (free list), as amended; 19 U. S. C. 1201, par. 1798)

[22] "(3) *Provided further,* That up to but not exceeding $100 in value of articles (including distilled spirits, wines and malt liquors aggregating not more than one wine gallon and including not more than one hundred cigars) acquired abroad by such residents of the United States as an incident of the foreign journey for personal or household use, or as souvenirs or curios, but not bought on commission or intended for sale, shall be free of duty:

"(7) *Provided further,* That in addition to the exemption authoried by the fourth preceding proviso, a returning resident who has remained beyond the territorial limits of the United States for a period of not less than twelve days, shall be permitted to bring into the United States up to but not exceeding $300 in value of articles (excluding distilled spirits, wines, malt liquors and cigars) acquired abroad by such resident of the United States as an incident of the foreign journey for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, free of duty:

"(10) *And provided further,* That all articles exempted by this paragraph from the payment of duty shall also be exempt from the payment of any internal-revenue taxes." (Tariff Act of 1930, par. 1798 (free list), as amended; 19 U. S. C. 1201, par. 1798)

[23] When the $100 exemption has been so applied, another claim for the $100 exemption within the following 30 days cannot be allowed. See § 23.5 (c) of this chapter.

paragraph 1798, as amended. Articles belonging to one person cannot be included in the $100 or $300 exemption of another person, except that when members of a family residing in one household travel together on their return to the United States, the $100 or $300 exemption, or both, to which the several members of the family may be entitled may be grouped and allowed without regard to which member is the owner of any of the articles. A grouped exemption shall not include any exemption for a family member not entitled to it in his own right, nor shall a grouped exemption be applied to any property of such a member. The term "members of a family residing in one household," as used herein, shall include all persons, regardless of age, related by blood, marriage, or adoption, who lived together in one household at their last permanent residence and who intend to live together in one household after their return to the United States. No exemption allowable to a resident servant accompanying the family shall be included in the family grouping.

(g) *Length of stay abroad.* In the case of articles acquired elsewhere than in Mexico, the $100 exemption shall not be allowed unless the returning resident has remained beyond the territorial limits of the United States for a period of not less than 48 hours. With respect to articles acquired in Mexico, the $100 exemption may be allowed without regard to the length of time the returning resident has remained outside the territorial limits of the United States, unless the resident returns through a port as to which there is in effect a special regulation or instruction requiring that the returning resident, in order to obtain the benefit of the $100 exemption for such articles, shall have remained beyond the territorial limits of the United States for such period, not to exceed 24 hours, as shall be specified in the special regulation or instruction.[24] The $300 exemption shall not be allowed unless the returning resident has remained outside the territorial limits of the United States for a period of not less than 12 days.

(h) *Frequency of allowances.* (1) The $100 exemption shall not be granted to a returning resident who has taken advantage of such exemption within the 30-day period immediately preceding his return to the United States, and the $300 exemption shall not be granted to a returning resident who has taken advantage of such $300 exemption within the 6-month period immediately preceding his return to the United States.[25] The date of the returning resident's latest prior arrival on which he declared articles for allowance of the $100 or $300 exemption shall be deemed the date he took advantage of the applicable exemption, notwithstanding that articles admitted under either exemption may have arrived before or after such latest arrival.

(2) A returning resident who has received a total exemption of less than $100 under the $100 exemption, or a total exemption of less than $300 under the $300 exemption, in connection with his return from one journey is not entitled to apply the remainder of either amount to articles acquired abroad on any previous or subsequent journey. Articles acquired on one journey and left in a foreign country cannot be allowed any exemption accruing upon the importer's return from a subsequent journey.

(i) *Computation of time requirements.* (1) The 24-hour or 48-hour period a returning resident must have been abroad to be entitled to the $100 exemption shall be computed exactly. For example, a resident leaving United States territory at 1:30 p. m. on June 1 would complete the 24-hour period at 1:30 p. m. on June 2 and the 48-hour period at 1:30 p. m. on June 3.

(2) The 12-day period a returning resident must have remained outside United States territory to be entitled to the $300 exemption shall be computed by excluding the day of arrival and counting the day of departure as a full day, irrespective of the time of either day at which the traveler crossed the land border or 3-mile limit at sea. Thus, a resident departing from such territory at 1:30 p. m. on June 1 would meet the 12-day requirement if he remained abroad until any time after midnight of June 12.

(3) The 30-day period immediately preceding the resident's return shall be computed by excluding the day of arrival and counting backward 30 days. In the case of an arrival on May 28, the resident would not be entitled to the $100 exemption if he had taken advantage of such exemption on or after the last preceding April 28.

(4) The 6-month period immediately preceding the resident's return shall be computed by excluding the day of arrival and counting backward 6 months. In the case of an arrival on July 28, the resident would not be entitled to the $300 exemption if he had taken advantage of such exemption on or after the last preceding January 28.

(j) *Arrival incidental to further foreign travel.* A resident who enters the United States merely as an incident of foreign travel and will continue his foreign travel before finally returning to the United States from the continuous trip shall not be required to clear through customs any articles he has acquired, or had repaired or altered, while abroad. Such articles may be left in customs custody, shipped in bond, or exported directly from customs custody in order that the resident may declare them, and possibly other later acquired articles, upon his final return to the United States from the continuous trip. If, however, the traveler fails to advise the customs officer of the incidental character of such an entry or for other reason declares any articles for allowance of the $100 or $300 exemption, such declaration will start the running of the respective period or periods during which a further allowance cannot be granted.

(k) *Unaccompanied articles.* It is not necessary that articles accompany a returning resident at the time of his arrival in the United States to be within the $100 or $300 exemption. See § 10.20. However, customs officers shall apply the exemptions only to articles before them for examination, and the application of an exemption to unaccompanied articles shall be finally determined only after they have been imported and the importer has performed the acts required of him for their customs clearance. If any allowance of the $100 or $300 exemption is to be claimed in respect of any articles not cleared at the time of a resident's arrival, whether such articles have already arrived, will arrive later, or are being shipped in bond to another port, they must be declared in writing at the time of the resident's arrival. Failure to so declare such articles will preclude any allowance of either exemption for them. (§ 10.20 (c) (6).)

(l) *Replacements.* A duplicate article furnished by a foreign supplier as a replacement for an article declared for entry under the $100 or $300 exemption and found to be so damaged as to constitute a non-importation (§ 15.10 of this chapter) shall be considered to have been acquired abroad for the purposes of the $100 or $300 exemption provision, provided no charge is made to the importer for the duplicate article. An article furnished by a foreign supplier as a replacement for an article declared for entry

[24] "(4) *Provided further,* That (a) in the case of articles acquired in any country other than a contiguous country which maintains a free zone or free port, the ($100) exemption authorized by the preceding proviso shall apply only to articles so acquired by a returning resident who has remained beyond the territorial limits of the United States for a period of not less than forty-eight hours and (b) in the case of articles acquired in a contiguous country which maintains a free zone or free port, the Secretary of the Treasury shall by special regulation or instruction, the application of which may be restricted to one or more individual ports of entry, provide that the exemption authorized by the preceding proviso shall be applied only to articles acquired abroad by a returning resident who has remained beyond the territorial limits of the United States for not less than such period (which period shall not exceed twenty-four hours) as the Secretary may deem necessary in the public interest or to facilitate enforcement at the specified port or ports of the requirement that the exemption shall apply only to articles acquired as an incident of the foreign journey:

(6) *"Provided further,* That no such special regulation or instruction shall take effect until the lapse of ninety days after the date of such special regulation or instruction." (Tariff Act of 1930, par. 1798 (free list), as amended; 19 U. S. C. 1201, par. 1798)

The 24-hour limitation is now applicable only at ports in customs collection district No. 25, which includes all ports of entry in southern California below Los Angeles. (T. D. 49925).

[25] "(5) *Provided further,* That the ($100) exemption authorized by the second preceding proviso shall apply only to articles declared in accordance with regulations to be prescribed by the Secretary of the Treasury by a returning resident who has not taken advantage of the said exemption within the thirty-day period immediately preceding his return to the United States:

"(9) *Provided further,* That the ($300) additional exemption authorized by the second preceding proviso shall apply only to articles declared in accordance with regulations to be prescribed by the Secretary of the Treasury by such returning resident who has not taken advantage of the said exemption within the six-month period immediately preceding his return to the United States:" (Tariff Act of 1930, par. 1798 (free list), as amended; 19 U. S. C. 1201, par. 1798)

under the $100 or $300 exemption and found not to conform to sample or specifications within the meaning of section 313 (c), Tariff Act of 1930, shall be considered to have been acquired abroad for the purposes of the $100 or $300 exemption provision, provided the importer returns the original article to customs custody for exportation under the provisions of section 313 (c) and pays duty thereon within 30 days after its release from customs custody. If regulations under section 313 (c) (§§ 22.35–22.39 of this chapter) are complied with, a drawback of 99 per centum of such duty may be allowed.

(m) *Sale.* An article brought in under the $100 exemption and subsequently sold is not dutiable by reason of the sale thereof if the returning resident actually acquired and imported the article for his bona fide personal or household use and not for sale. Any sale within 3 years after the date of a returning resident's arrival in the United States of any article which was admitted free under the $300 exemption in connection with that arrival shall subject the resident who declared the article to the payment of double the import duty which would have been collected in respect of each such article so sold had the $300 exemption not been in effect.[26] (Par. 1798; sec. 201, 46 Stat. 683, sec. 337, 49 Stat. 1959, sec. 36, 52 Stat. 1093, Pub. Law 540, 80th Cong., sec. 498, 46 Stat. 728; 19 U. S. C. 1201, 1498)

§ 10.18 *Exemptions for nonresidents*—(a) *Personal effects.* Every nonresident, regardless of age, is entitled under the first clause and last proviso of paragraph 1798, Tariff Act of 1930, as amended,[27] to entry free of duty and internal-revenue tax for his wearing apparel, articles of personal adornment, toilet articles, and similar personal effects. This exemption includes only articles which were actually owned by the nonresident and in his possession abroad at the time of, or prior to, his departure from a foreign country, and which are necessary and appropriate for his wear and use and are intended for such wear and use, and shall not be applied to merchandise or articles intended for other persons or for sale. "Similar personal effects" include all articles intended and appropriate for the personal use of the nonresident while traveling, such as hunting and fishing equipment, wheelchairs for invalids or crippled persons, pet and hunting dogs, and the like. Vehicles for travel are not included but may be entitled to entry under section 308 (5), Tariff Act of 1930, in appropriate cases. Articles brought in by a nonresident to be given to another person are not free under paragraph 1798.

(b) *Sale.* Any sale within 3 years after the date of a nonresident's arrival in the United States of jewelry or similar articles of personal adornment having a value of $300 or more and brought into the United States free of duty under the first clause of paragraph 1798 shall subject the nonresident to the payment of duty on the articles at the rate or rates in force at the time of such sale.[28]

(c) *Tobacco products and alcoholic beverages.* Fifty cigars, or 300 cigarettes, or 3 pounds of manufactured tobacco, and not exceeding 1 quart of alcoholic beverages, when brought in by an adult nonresident and not to be given to another person nor for sale or other commercial use, may be passed free of duty and internal-revenue tax. The exemption on tobacco products may be applied proportionately; for example, to 25 cigars and 150 cigarettes, or to 25 cigars, 50 cigarettes, and 1 pound of manufactured tobacco. The exemption for alcoholic beverages may be applied to more than one kind but not to an aggregate of more than 1 quart for one person. (Par. 1798; sec. 201, 46 Stat. 683, sec. 337, 49 Stat. 1959, sec. 36, 52 Stat. 1093, sec. 498, 46 Stat. 728; Pub. Law 540, 80th Cong., 19 U. S. C. 1201, 1498)

§10.19 *Declaration and entry*—(a) *Declaration required.* All articles brought into the United States by any individual shall be declared to a customs officer. The declaration may be made to a customs officer at the port of first arrival in the United States or on a train or ferry en route to the United States on which such an officer is assigned for that purpose. When all the articles to be declared are within allowable exemptions, the declaration may be submitted to a United States customs officer stationed in a foreign country for that purpose, if one is available.

(b) *Oral declarations.* Each arriving nonresident may make only an oral declaration if all the articles he has to declare are entitled to free entry under the first clause of paragraph 1798, and each returning resident may make only an oral declaration if (1) he has no article in his possession on which duty or internal-revenue tax is collectible, (2) all articles for which any exemption is to be claimed in connection with his arrival accompany him at the time of his arrival, and (3) the aggregate of the value of all articles acquired abroad by him and of the cost or value of alterations and dutiable repairs made abroad to personal or household effects taken out and brought back by him (see § 10.17 (b)) does not exceed $25; except that written declarations may be required generally or in respect of particular types of traffic if necessary at any seaport or airport to effect prompt and orderly clearance of passengers and their effects, and may be required in particular cases at any port if deemed necessary to protect the revenue.

(c) *Written declarations.* (1) Unless an oral declaration is accepted under the preceding paragraph, the declaration required by paragraph (a) of this section shall be in writing and in a form approved by the Commissioner of Customs. Effects of a nonresident entitled to free entry under the first clause of paragraph 1798, and effects of a returning resident entitled to free entry under the second proviso to paragraph 1798 (other than automobiles and other vehicles of residents returning from noncontiguous countries) need not be itemized in written declarations.

(2) Written declarations for passengers arriving by sea shall be executed fully and deposited with the purser of the vessel not later than the day before the vessel will arrive in port.

(d) *Acknowledgment.* Each written declaration shall be acknowledged by the declarant before the customs officer who examines the baggage covered by the declaration.

(e) *Amendment.* (1) If, before examination of a passenger's baggage has begun, the fact that any article has not been declared is brought by the passenger to the attention of the examining officer, the passenger shall be permitted to add such article to his declaration.

(2) If, after examination of the baggage has begun but before any undeclared article is found, the passenger advises the examining officer that he has such article and the examining officer is satisfied that there was no fraudulent intent, the passenger shall be permitted to add the articles to his declaration.

(3) Under no circumstances shall a passenger be permitted to add any undeclared article to his declaration after such article has been discovered by the examining officer.

(f) *Value.* Opposite the description of each article required to be declared specifically in a written declaration the passenger shall state the price actually paid for the article, or its fair value if it was acquired otherwise than by purchase. A statement of price shall be in the currency of purchase or its equivalent in United States currency, and a statement of value shall be in the currency of the country in which the article was acquired or in United States currency. Due adjustment shall be made by the appraising officer whenever the purchase price or value declared from the correct customs value, whether by reason of depreciation due to wear and use or for any other reason.

[26] "(8) *Provided further,* That any subsequent sale, within three years after the date of arrival of such returning resident in the United States, of articles acquired and brought into the United States pursuant to the provisions of the immediately preceding proviso shall subject the returning resident declaring the articles to double the import duty which would have been collected had this additional exemption not been in effect:" (Tariff Act of 1930, par. 1798 (free list), as amended; 19 U. S. C. 1201, par. 1798))

[27] "Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in the United States; but this exemption shall include only such articles as were actually owned by them and in their possession abroad at the time of or prior to their departure from a foreign country, and as necessary and appropriate for the wear and use of such persons and are intended for such wear and use, and shall not be held to apply to merchandise or articles intended for other persons or for sale.

"(10) *And provided further,* That all articles exempted by this paragraph from the payment of duty shall also be exempt from the payment of any internal-revenue taxes." (Tariff Act of 1930, par. 1798 (free list), as amended; 19 U. S. C. 1201, par. 1798)

[28] "(1) *Provided,* That all jewelry and similar articles of personal adornment having a value of $300 or more, brought in by a nonresident of the United States, shall, if sold within three years after the date of arrival of such person in the United States, be liable to duty at the rate or rates in force at the time of such sale, to be paid by such person:" (Tariff Act of 1930, par. 1798 (free list), as amended; 19 U. S. C. 1201, par. 1798)

(g) *Family declarations.* One of a group of passengers who are members of the same family may declare for the entire group if all have the same residence status. Servants accompanying a family group shall not be included in the family declaration.

(h) *Merchandise.* Articles not personal in character, or which are intended for sale or are brought in on commission for another person, may be included in the baggage declaration of a resident or nonresident under the conditions specified in § 10.21 (e). If not so included, regular entry shall be required.

(i) *Regular entry.* Subject to any applicable exemption from entry requirements, articles imported as baggage but not passed under a baggage declaration or under the procedure provided for in § 10.20 shall be entered in the same manner as a cargo importation of like goods. In making regular entry for articles imported in baggage, the value of articles entitled to free entry under the second proviso to paragraph 1798 shall be disregarded in determining whether formal or informal entry is required.

(j) *Examination in foreign territory.* (1) When the baggage of a returning resident who is required to execute a written declaration (§ 10.19 (b) and (c)) is examined and passed by a customs officer stationed in foreign territory, the declaration shall be executed in triplicate. That officer shall indicate on all copies the articles passed by him, the applicable free-entry provisions, and the total customs value of the articles to which each such provision applies. The original and a certified duplicate of the declaration shall be returned to the declarant for surrender to the customs officer on the train or ferry on which the declarant arrives in the United States, or to the customs officer at the port of arrival, in order that such customs officer may determine what exemption, if any, already has been granted. The original shall be filed at the port of the passenger's arrival. If the certified duplicate is not needed, it shall be destroyed by the customs officer who gives final clearance to the passenger (§ 10.20 (c) (4)).

(2) When a declarant, after his baggage has been examined and passed in foreign territory, acquires additional articles before he arrives in the United States, a supplemental written declaration thereof in original only shall be furnished to the customs officer to whom the declaration submitted in foreign territory is surrendered. The supplemental declaration, duly signed by the declarant and the customs officer, shall be attached to the declaration submitted in foreign territory and both shall be filed as one document. If the certified duplicate is required for clearance of unaccompanied goods or a shipment in bond, before it is returned to the declarant it shall be completed by the customs officer, who shall note thereon the additional articles declared, the total exemption granted by him and by the officer in foreign territory, and his certificate that the additional articles are covered by the supplemental declaration on file at the port of arrival. If the aggregate declared purchase prices or values exceed the allowable exemptions, the values determined for United States customs purposes of all articles for which exemptions are granted on the supplemental declaration shall be noted on such supplemental declaration and also on the certified duplicate. The customs officer who gives final clearance to the passenger shall not furnish to the declarant any certified or other copy of the passenger's declaration in addition to the duplicate certified by the customs officer in foreign territory. (Secs. 498, 624, 46 Stat. 728, 759; 19 U. S. C. 1498, 1624)

§ 10.20 *Unaccompanied shipments—*(a) *Effects taken abroad.* If effects entitled to free entry under the second proviso to paragraph 1798 do not accompany the returning resident or are forwarded in bond, no declaration of them at the time of the resident's arrival is required and any such declaration will serve no purpose. An affidavit on customs Form 3297 shall be filed in connection with the entry or certified duplicate declaration under which the shipment is finally cleared or, if no other articles are included in the shipment, it may be released without entry upon the filing of a proper affidavit on customs Form 3297.

(b) *Unaccompanied effects of nonresident.* When articles are claimed to be free of duty under the first clause of paragraph 1798 but do not accompany an arriving owner, there shall be filed in connection with the entry of such articles a declaration on customs Form 3299.

(c) *Articles acquired abroad by returning residents.* (1) When the declaration of a returning resident covers articles which do not accompany him or are shipped in bond to another port and such articles are likely to be claimed to be free of duty under the $100 or $300 exemption, the declaration shall be in writing regardless of the total value of the articles declared.

(2) If the declared articles which are not passed when the declarant arrives are all in one shipment in bond or it is expected that all have arrived, or will arrive, in one unaccompanied shipment, the declaration shall be prepared by the passenger in duplicate. The duplicate copy shall be certified by the customs officer who has examined the passenger's accompanying effects, and that officer shall note on both copies of the declaration with pen and ink or indelible pencil, over his signature and title, the amount of the exemption or exemptions allowed by him on articles cleared on the arrival of the passenger. He shall also indicate the declared articles which were not so cleared. The certified copy shall be returned to the declarant with advice as to the use he shall make of it.

(3) The certified copy may be used as an entry for clearing articles listed thereon which did not accompany the declarant at the time of his arrival or were shipped in bond to another port, including articles subject to duty, but not including any shipment which contains articles having an aggregate value in excess of $100 and consisting of other than personal or household effects. If practicable, the declarant shall forward the certified copy to the foreign shipper for attachment to the unaccompanied shipment.[29]

(4) If it is expected that declared articles not cleared when the declarant arrives will be included in more than one shipment, including any shipment in bond or of checked baggage not in bond, no certified duplicate of the declaration shall be furnished, and if one has been prepared it shall be destroyed by the customs officer. For each unaccompanied shipment which is not likely to be forwarded by the foreign shipper before the returning resident can communicate with him, and for which a claim under the $100 or $300 exemption will be made, a card, customs Form 3349, shall be issued to the declarant, who shall be informed as to its proper preparation and that it shall be forwarded to the foreign shipper for attachment to the unaccompanied shipment.[29] Customs Form 3349 shall not be given in a declarant when it will serve no purpose, as when an unaccompanied shipment has been despatched or will be forwarded before the foreign shipper can receive the card.

(5) When a shipment arrives with customs Form 3349 enclosed therein or attached to the shipping papers, and in other cases where allowance under the $100 or $300 exemption is claimed elsewhere than at the port of the claimant's arrival in respect of an unaccompanied or bonded shipment but no certified duplicate declaration is presented, the collector at the port where the shipment is held for clearance shall fill in the top portion of customs Form 6059–A and forward it to the port where the claimant of the exemption arrived. The collector for such port of arrival shall certify on the Form 6059–A the amount or amounts of exemption allowable and return the form to the clearance port. Upon receipt of the properly completed Form 6059–A at the clearance port, such form shall be treated in all respects as a certified duplicate declaration and disposed of in the same manner.

(6) No application of the $100 or $300 exemption to an unaccompanied or bonded shipment shall be allowed in any case until the collector is satisfied by a certified duplicate declaration or a certificate on Form 6059–A that the articles for which the exemption is claimed were properly declared in writing at the time the claimant of the exemption returned to the United States.

(d) *Replacements.* When any article purported to be in a shipment declared by a returning resident is not found, or is so broken or destroyed as to constitute a nonimportation (§ 10.17 (1)), and a replacement for such article may be claimed to be free under the $100 or $300 exemption, the customs officer who clears the shipment through customs shall issue to the importer customs Form 3349 showing the port where the resident returned. The form should be sent by the resident to the foreign supplier to accompany the

[29] Documents forwarded to a foreign shipper for attachment to an unaccompanied shipment in accordance with this regulation shall be enclosed by the shipper in the parcel if the shipment is sent by mail, or attached to the invoice or bill of lading if the shipment is sent by freight or express.

article shipped to replace the short or damaged articles. (Secs. 498, 624, 46 Stat. 728, 759; 19 U. S. C. 1498, 1624)

4. Section 10.21, Customs Regulations of 1943 (19 CFR, Cum. Supp. 10.21), is amended as follows:

a. Paragraphs (b) (c), (d), and (e) are amended to read as follows:

§ 10.21 *Examination procedure; collection of duties and taxes.* * * *

(b) The inspector who examines the baggage of any person arriving in the United States, including inspectors on trains or ferries, may examine and pass, without limitation as to value, all articles in such baggage or otherwise accompanying such person which are personal or household effects of such person and are free of duty under paragraph 1632, 1747, or 1798 of the Tariff Act of 1930, as amended, or under § 10.42 of the regulations in this part. The inspector may examine, determine the dutiable value of, collect duty on, and pass articles accompanying the arriving person which are for his personal or household use but are subject to duty, including articles imported by a nonresident to be disposed of by him as bona fide gifts.

(c) The inspector may also examine, determine the customs value of, collect any duty due on, and pass articles properly listed on the baggage declaration which are not personal or household effects of the declarant, provided the aggregate customs value of such articles is not more than $100.

(d) In determining dutiable value under paragraph (b) or (c) of this section, the inspector shall apply the principles of section 402, Tariff Act of 1930, and shall not regard the declared price or value as conclusive. He shall give due consideration to the condition of the articles at the time of importation, but he shall not make any allowance for wear and use in excess of 25 per centum of the declared price or value of a worn or used article. A passenger who desires to claim a larger allowance may arrange for formal entry and appraisement of his goods.

(e) Articles not described in paragraph (b) of this section, having an aggregate value over $100 but not over $500, may be entered and cleared on a baggage declaration at the place of their arrival with a passenger, provided the articles are accompanied by a proper certified invoice if one is required, and provided it is practicable to make the required formal appraisement at that place. If the foregoing requirements are not satisfied, or if the value of such articles is over $500, regular entry shall be required.

b. Paragraph (h) is amended to read as follows:

(h) If reappraisement by the United States Customs Court is desired, the passenger must arrange for regular entry and formal appraisement of the articles in controversy, and thereafter make written application for reappraisement to the collector of customs within 30 days after the formal appraisement.

c. Paragraph (i) is amended by deleting "the third, fourth, and fifth provisos to."

d. Paragraph (k) is redesignated (m) and new paragraphs (k) and (l) are inserted to read as follows:

(k) Tea for personal use in one or more packages weighing not more than 5 pounds each, when imported in a passenger's baggage, may be delivered without examination for purity under 21 U. S. C. 41–50 and without payment of the examination fee prescribed in 21 U. S. C. 46a.

(l) Internal-revenue stamps shall be affixed to taxable tobacco products imported in baggage. Each stamp so affixed shall be endorsed across its face, by rubber stamp if practicable, "United States Customs; imported in passenger's baggage." No customs inspection stamps are required.

e. Redesignated paragraph (m) is amended by substituting "10.17 (d) or 10.18 (c)" for "10.18."

(Par. 1798: sec. 201, 46 Stat. 683, sec. 337, 49 Stat. 1959, sec. 36, 52 Stat. 1093, secs. 498, 624, 46 Stat. 728, 759; Pub. Law 540, 80th Cong., 19 U. S. C. 1201, 1498, 1624)

f. Section 10.28, Customs Regulations of 1943 (19 CFR, Cum. Supp. 10.28), is amended by deleting "sealskin garments," from the first sentence.

(Secs. 498, 624, 46 Stat. 728, 759; 19 U. S. C. 1498, 1624)

g. Section 10.42 (d), Customs Regulations of 1943 (19 CFR, Cum. Supp. 10.42 (d)), is amended by inserting "or $300" after "$100" in each of the two places in which the latter term appears.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

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PART 12—SPECIAL CLASSES OF MERCHANDISE

Section 12.63, Customs Regulations of 1943 (19 CFR, Cum. Supp. 12.63), as amended by T. D. 51274, is further amended to read as follows:

§ 12.63 *Seal-skin or sea-otter-skin waste.* Seal-skin or sea-otter-skin waste composed of small pieces not large enough to be sewed together and utilized as dressed fur shall not be subject to the requirements of the regulations in this part. (R. S. 161, secs. 1–19, 58 Stat. 100–104, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 16 U. S. C. 631a–631r, 19 U. S. C. 1624)

PART 16—LIQUIDATION OF DUTIES

Section 16.12 (d), Customs Regulations of 1943 (19 CFR, Cum. Supp. 16.12 (d)), is amended by inserting "or $300" after $100 where the latter term first appears in the first sentence, and by deleting "the $100 exemption of" from the same sentence.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

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PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Section 23.5, Customs Regulations of 1943 (19 CFR, Cum. Supp. 23.5), as amended by T. D. 51188 and T. D. 51931, is further amended as follows:

a. Paragraph (a) is amended by substituting "10.19" for "10.20" in the first sentence.

b. Paragraph (c) is amended by deleting "claims the benefit of the $100 exemption provided for in said paragraph 1798 notwithstanding that he has taken advantage of such exemption within the 30-day period immediately preceding such return," and substituting therefor "claims the benefit of the $100 or $300 exemption provided for in said paragraph 1798 within the respective period during which taking advantage of the claimed exemption is prohibited,".

(Secs. 592, 624, 46 Stat. 750, 759; 19 U. S. C. 1592, 1624)

[SEAL] W. R. JOHNSON,
*Acting Commissioner of Customs.*

Approved: July 19, 1948.

JOHN S. GRAHAM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 48-6632; Filed, July 22, 1948; 8:56 a. m.]

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# TITLE 7—AGRICULTURE

## Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 42—EGGS AND EGG PRODUCTS (STANDARDS AND GRADES)

U. S. SPECIFICATIONS AND WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

*Correction*

In F. R. Doc. 48-6463, appearing in the issue of Tuesday, July 20, 1948, at page 4117, Table I should appear as set forth below:

TABLE I—SUMMARY OF SPECIFICATIONS FOR U. S. CONSUMER GRADES FOR SHELL EGGS

| U. S. consumer grade | At least 80 percent (lot average) [1] must be— | Tolerance permitted [2] | |
|---|---|---|---|
| | | Percent | Quality |
| Grade AA | AA quality | 15 to 20 | A. |
| | | Not over 5 [3] | B, C, stained, or check. |
| Grade A | A quality or better | 15 to 20 | B. |
| | | Not over 5 [3] | C, stained, or check. |
| Grade B | B quality or better | 10 to 20 | C, or stained.[4] |
| | | Not over 10 [3] | Dirty or check. |
| Grade C | C quality or better | Not over 20 | Dirty or check. |

[1] In lots of more than 30 cases no individual case may fall below 70 percent of the specified quality and in lots of 30 cases or less the 80 percent minimum requirement shall apply to each individual case.

[2] Within tolerance permitted, an allowance will be made at receiving points or shipping destination for ½ percent leakers in Grades AA, A, and B, and 1 percent in Grade C.

[3] Substitution of higher qualities for the lower qualities specified is permitted.

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR GRADES OF CUCUMBER PICKLES [1]

On March 26, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 1608) regarding the proposed United States Standards for Grades of Cucumber Pickles. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Cucumber Pickles are hereby promulgated to become effective pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948).

§ 52.558 *Cucumber pickles.* Cucumber pickles means the pickled product prepared from fresh immature cucumbers (Cucumis Sativus) which have been cured by natural fermentation in a solution of common salt with or without the addition of dill herbs and processed or preserved in a liquid packing medium which may be seasoned with sugar or a combination of sugar and dextrose (refined corn sugar) or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose and corn sirup, or corn sirup solids, salt, a vinegar or vinegars, spices or flavoring or both, and onions or garlic or both, and with or without other seasoning or flavoring ingredients to give the product the flavor and characteristics of the respective type. Cucumber pickles may be processed or preserved with or without the addition of other pickled vegetables which have been cured as aforesaid.

(a) *Styles of cucumber pickles.* (1) "Whole" or "whole pickles" means cucumber pickles consisting of whole cucumbers.

(2) "Cross cut," "slices" or "sliced" means cucumber pickles consisting of units irrespective of whether such units are cut at right angles to the longitudinal axis into units of approximately equal thickness or cut longitudinally into halves, quarters, eights or into units with parallel surfaces.

(3) "Cut" or "cut pickles" means cucumber pickles (i) which are not uniform in size or shape or (ii) which do not conform to any of the foregoing styles.

(4) "Finely cut" or "finely chopped pickles" means cucumber pickles which have been finely cut or finely chopped.

(5) "Unit" means an individual cucumber pickle or pickle ingredient or portion of either in cucumber pickles.

(b) *Grades of cucumber pickles.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of cucumber pickles that possess: a practically uniform typical color; are practically free from defects; possess a good texture; possess a normal flavor and normal odor; and are of such quality with respect to uniformity of size and shape as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of cucumber pickles that possess: a fairly uniform typical color; are fairly free from defects; possess a fairly good texture; possess a normal flavor and normal odor; and are of such quality with respect to uniformity of size and shape as to score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of cucumber pickles that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Types of cucumber pickles.* The type of cucumber pickles is not incorporated in the grades of the finished product, since type of cucumber pickles is not a factor of quality for the purpose of these grades. The type of cucumber pickles is dependent upon the method of preparation and processing. Cucumber pickles are usually prepared and processed as any one of the following types:

(1) "Dills" or "dill pickles" are of two classifications:

(i) Genuine dills or genuine dill pickles consist of cucumber pickles prepared from fresh immature cucumbers cured by natural fermentation in a solution of common salt with dill herbs with or without dill flavoring in a liquid packing medium, with or without additional spices, spice flavorings, or other seasonings or flavoring ingredients. Dill herb and other herbs may be added. The packing medium contains not less than 0.6 gram of acid (calculated as lactic) per 100 milliliters.

(ii) Processed dills or processed dill pickles consist of cucumber pickles prepared from fresh immature cucumbers cured by natural fermentation in a solution of common salt in a liquid packing medium containing dill flavored brine, a vinegar or vinegars, spices, spice flavoring, or other seasoning or flavoring ingredients. Dill herb and other herbs may be added. The packing medium contains not less than 0.6 gram of acid (calculated as acetic) per 100 milliliters.

(2) "Sour pickles" consist of sour cucumber pickles in a liquid packing medium to which has been added salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. The packing medium contains not less than 1.4 grams acid (calculated as acetic) per 100 milliliters nor more than 2.4 grams acid (calculated as acetic) per 100 milliliters.

(3) "Sweet pickles" consist of sweet cucumber pickles in a liquid packing medium to which has been added sugar or a combination of sugar and dextrose (refined corn sugar), or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose, and corn sirup or corn sirup solids, salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. The packing medium contains not more than 3.0 percent salt.

(4) "Mixed pickles" consist of mixed cucumber pickles which may be of any of the foregoing styles except finely cut or finely chopped cucumber pickles to which has been added onions and cut cauliflower with or without the addition of red peppers, pimientos, or pieces of red peppers or pimientos in a liquid packing medium with or without the addition of sugar or a combination of sugar and dextrose (refined corn sugar), or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose, and corn sirup or corn sirup solids, salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients. Mixed pickles may contain ingredients in the following proportions:

| | *Percent by weight* |
|---|---|
| Cucumbers | 60 to 80 |
| Cauliflower | 10 to 30 |
| Onions | 5 to 10 |
| Red peppers or pimientos | Optional ingredient |

Mixed pickles are of two classifications:

(i) Sour mixed pickles consist of mixed cucumber pickles in a liquid packing medium to which has been added salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring, or other seasoning or flavoring ingredients. The packing medium contains not less than 1.4 grams acid (calculated as acetic) per 100 milliliters or more than 2.4 grams acid (calculated as acetic) per 100 milliliters .

(ii) Sweet mixed pickles consist of mixed cucumber pickles in a liquid packing medium to which has been added salt, a vinegar or vinegars, sugar or a combination of sugar and dextrose (refined corn sugar) or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose, and corn sirup or corn sirup solids with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients. The packing medium may contain not more than 3.0 percent salt.

(5) "Chow chow" consists of chow chow cucumber pickles which may be any of the foregoing styles, except finely cut or finely chopped cucumber pickles, to which has been added onions and cut cauliflower, with or without the addition of red peppers or pimientos, or pieces of red peppers or pimientos, in a sauce of proper consistency, with or without the addition of sugar or a combination of sugar and dextrose (refined corn sugar), or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose and corn sirup, or corn sirup solids, salt, a vinegar or vinegars, and mustard, with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients. Chow chow may contain ingredients in the following proportions:

| | *Percent by weight* |
|---|---|
| Cucumbers | 60 to 80 |
| Cauliflower | 10 to 30 |
| Onions | 5 to 10 |
| Red peppers or pimientos | Optional ingredient |

Chow chow is of two classifications:

(i) Sour chow chow consists of chow chow cucumber pickles in a sauce of

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

proper consistency, to which has been added salt, a vinegar or vinegars, and mustard, with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients.

(ii) Sweet chow chow consists of chow chow cucumber pickles in a sauce of proper consistency, to which has been added salt, a vinegar or vinegars, mustard, sugar or a combination of sugar and dextrose (refined corn sugar), or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose and corn sirup of corn sirup solids with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients.

(6) "Sweet pickle relish" consists of finely cut or finely chopped sweet cucumber pickle relish, to which may be added cauliflower, onions, with or without the addition of green tomatoes, red peppers or pimientos, in a liquid packing medium with the addition of salt, a vinegar or vinegars, sugar or a combination of sugar and dextrose (refined corn sugar), or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose and corn sirup or corn sirup solids, with or without the addition of spices, spice flavoring and other seasoning or flavoring ingredients. Sweet pickle relish may contain ingredients in the following proportions:

| | Percent by weight |
|---|---|
| Cucumbers | 60 to 100 |
| Cauliflower [1] | 10 to 30 |
| Onions [1] | 5 to 10 |
| Green tomatoes | ([2]) |
| Red peppers or pimientos | Optional ingredient |

[1] Optional.

[2] Optional—not to exceed 10% by weight when used in lieu of equal quantities of cauliflower.

The packing medium may contain not more than 3.0 percent salt.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since the fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of cucumber pickles be filled as full as practicable without impairment of quality, that the product be entirely covered with the packing medium and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(e) *Recommended minimum drained weight.* The minimum drained weight recommendations in table I are not incorporated in the grades of the finished product since drained weight as such, is not a factor of quality for the purpose of these grades.

The drained weight of all types of cucumber pickles except chow chow pickles is determined by emptying the contents of the container upon a circular sieve of proper diameter, containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for two minutes. A sieve 8 inches in diameter is used for container one-quart size or less and a sieve 12 inches in diameter is used for containers or samples larger than one-quart size.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF PICKLES

| Container size or designation | Sour whole, cut, mixed, and dill pickles | Sweet whole, cut, and mixed pickles | Sweet pickle relish |
|---|---|---|---|
| Pint (16 ounces) | | 11 | 14 |
| Quart (32 ounces) | 17 | 22 | 28 |
| Gallon (128 ounces) | 85 | 90 | 112 |
| No. 2½ can | 17 | 21 | 25½ |
| No. 10 can | 72 | 76 | 94 |
| No. 12 can | 85 | 90 | 112 |

(f) *Sizes of cucumber pickles in whole cucumber pickles.* The size of any whole cucumber pickle is determined by measuring the shortest diameter transverse to the longitudinal axis at the thickest portion of the pickle and by measuring the distance from stem to blossom end.

(g) *Sizes of cross cut or sliced cucumber pickles.* The size of any unit cut at right angles to the longitudinal axis is determined by measuring the shortest diameter of the surface of the unit. The size of any unit cut longitudinally is determined by measuring the longest distance parallel to the longitudinal axis.

(h) *Ascertaining the grade.* (1) The grade of cucumber pickles may be ascertained by considering, in addition to the foregoing requirements of the respective grade, the following factors: Color, uniformity of size and shape, absence of defects, and texture. The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

| | Points |
|---|---|
| (i) Color | 20 |
| (ii) Uniformity of size and shape | 20 |
| (iii) Absence of defects | 30 |
| (iv) Texture | 30 |
| Total | 100 |

(2) "Normal flavor and normal odor" means that the cucumber pickles are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "16 to 20 points" means 16, 17, 18, 19, or 20 points).

(1) *Color.* (i) Cucumber pickles that possess a practically uniform typical color may be given a score of 16 to 20 points. "Practically uniform typical color" means that the skin of the cucumber ingredient is practically free from bleached areas; that the skin of not more than 10 percent by weight of the cucumber ingredient may vary markedly from a typical yellow-green to green color; and that in mixed pickles, chow chow pickles and pickle relish, all of the pickle ingredients possess a practically uniform typical color for the respective ingredient.

(ii) If the cucumber pickles possess a fairly uniform typical color, a score of 13 to 15 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform typical color" means that the skin of the cucumber ingredient is fairly free from bleached areas; that the skin of not more than 25 percent by weight of the cucumber ingredient may vary markedly from a typical yellow-green to green color; and that in mixed pickles, chow chow pickles and pickle relish all of the pickle ingredients possess a fairly uniform typical color for the respective ingredient.

(iii) Cucumber pickles that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 12 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Cucumber pickles that are practically uniform in size and shape may be given a score of 17 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of cucumber pickles:

(a) *Whole pickles.* The pickles may vary moderately in size and shape and the diameter of the largest pickle, measured as aforesaid, does not exceed the diameter of the smallest pickle by more than 50 percent of the diameter of the smallest pickle.

(b) *"Cross cut," "slices" or "sliced" pickles.* The individual unit when cut at right angles to the longitudinal axis is not less than 3/16 inch nor more than 3/8 inch in thickness when measured at the thickest portion and the diameter of the largest unit, measured as aforesaid, is not more than 2 inches in diameter and the largest unit does not exceed the diameter of the smallest unit by more than 50 percent of the diameter of the smallest unit. When the units are cut longitudinally, such units may vary moderately in size and shape and the length of the longest slice, measured as aforesaid, does not exceed the length of the shortest slice by more than 50 percent of the length of the shortest slice. When cut longitudinally with parallel surfaces, the unit is not less than 3/16 inch nor more than 3/8 inch in thickness when measured at the thickest portion.

(c) *Cut pickles.* The weight of the largest unit does not exceed the weight of the smallest unit by more than four times the weight of the smallest unit. An occasional unit which is not representative of the general size of all the units of a respective pickle ingredient is excluded in determining size variation.

(d) *Finely cut or finely chopped pickles.* The pickle ingredients have been finely cut or chopped into units which may vary moderately in size.

(ii) If the pickles are fairly uniform in size and shape, a score of 13 to 16 points may be given. "Fairly uniform in size and shape" has the following meanings with respect to the various styles of cucumber pickles.

(a) *Whole pickles.* The pickles may vary considerably in size and shape and the diameter of the largest pickle, measured as aforesaid, is not more than twice the diameter of the smallest pickle.

(b) *"Cross cut," "slices" or "sliced" pickles.* The individual unit when cut at right angles to the longitudinal axis is not less than 3/16 inch nor more than

3/8 inch in thickness when measured at the thickest portion and the diameter of the largest unit, measured as aforesaid, is not more than 2 inches in diameter and the largest unit is not more than twice the diameter of the smallest unit. When the units are cut longitudinally, such units may vary considerably in size and shape and the length of the longest unit is not more than twice the length of the shortest unit. When cut longitudinally with parallel surfaces, the unit is not less than 3/16 inch nor more than 3/8 inch in thickness when measured at the thickest portion.

(c) *Cut pickles.* The largest unit weighs not more than twelve times the weight of the smallest unit. An occasional unit which is not representative of the general size of all the units of a respective pickle ingredient is excluded in determining size variation.

(d) *Finely cut or finely chopped pickles.* The pickle ingredients have been finely cut or chopped into units which may vary considerably in size.

(iii) Cucumber pickles that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 12 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from grit, sand, or silt; from attached stems, curved pickles, markedly off-shaped pickles, end cuts, units damaged by mechanical injury, units blemished by brown or black discoloration, by scars, pathological injury or insect injury and units blemished by other means.

(a) "Curved pickles" are whole pickles that are slightly curved or very curved.

(1) "Slightly curved" pickles are pickles that are curved at an angle of not more than 35 degrees, and

(2) "Very curved" pickles are pickles that are curved at an angle of more than 35 degrees but not more than 60 degrees.

(b) "Markedly off-shaped" pickles are pickles that are curved at more than a 60-degree angle, "nubbins" and other badly crooked or misshapen pickles.

(c) "Grit, sand, or silt" means any particle of earthly material whether in the liquid packing medium or imbedded in the skin or flesh of the pickle.

(d) "Blemished unit" means blemished to such an extent that the appearance or eating quality of the unit is materially affected.

(e) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(f) "Damaged by mechanical injury" means crushed or broken units or units damaged by other means to such an extent that the appearance or eating quality of the unit is seriously affected.

(g) "Stem" means any attached stem longer than 1/4 inch.

(h) "End cut" or "end cuts" means any portion of a whole pickle obtained in the preparation of cross cut or sliced pickles possessing only one cut surface.

(ii) Cucumber pickles that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the product contains no grit, sand, or silt that affects the eating quality or appearance of the product, the combined weight of all other defects and defective units does not exceed 25 percent of the total weight of the units, and that:

Not more than 20 percent by count of all the pickles in whole pickles may consist of curved pickles and of such 20 percent not more than 1/4 thereof may consist of very curved pickles;

Not more than 5 percent by count of all the pickles in whole pickles may consist of markedly off-shaped pickles;

Not more than 20 percent by count of all the pickles in whole pickles may have attached stems, and of such 20 percent not more than one-half thereof may have attached stems that exceed one-half inch in length.

Not more than 10 percent by count of all the units may be blemished units, and of such 10 percent not more than one-half thereof may consist of seriously blemished units;

Not more than 5 percent by weight of all the units may be end cuts in cross cut or sliced pickles; and

Not more than 10 percent by count of all the units may be damaged by mechanical injury.

(iii) If the cucumber pickles are fairly free from defects, a score of 22 to 25 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the product may contain a trace of grit, sand, or silt that does not materially affect the eating quality or appearance of the product, the combined weight of all other defects and defective units does not exceed 40 percent of the weight of the units, and that:

Not more than 35 percent by count of all the pickles in whole pickles may consist of curved pickles and of such 35 percent not more than three-sevenths thereof may consist of very curved pickles;

Not more than 10 percent by count of all the pickles in whole pickles may consist of markedly off-shaped pickles;

Not more than 35 percent by count of all the pickles in whole pickles may have attached stems and of such 35 percent not more than four-sevenths thereof may have attached stems that exceed one-half inch in length;

Not more than 20 percent by count of all the units may be blemished units and of such 20 percent not more than one-half thereof may consist of seriously blemished units;

Not more than 15 percent by weight of all the units may be end cuts in cross cut or sliced pickles, and

Not more than 25 percent by count of all the units may be damaged by mechanical injury.

(iv) Cucumber pickles that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

(4) *Texture.* (i) The factor of texture refers to the firmness, crispness, and the condition of the cucumber pickles.

(a) "Chalky white areas" means opaque chalky white areas exceeding 1/8 of the diameter of the pickle. Very pale green to translucent white areas should not be classified as chalky white.

(ii) Cucumber pickles that possess a good texture may be given a score of 26 to 30 points. "Good texture" means that the cucumber pickles are firm and crisp for the respective style or type of pack, are practically free from seedy pickles, and that:

Not more than 10 percent by count of all the units in cucumber pickles may be slightly shriveled, soft, or slippery;

Not more than 10 percent by count of all the units in cucumber pickles may be hollow pickles; and

Not more than 10 percent by count of all the units in cucumber pickles may have chalky white areas.

(iii) If the cucumber pickles possess a fairly good texture, a score of 22 to 25 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good texture" means that the cucumber pickles are fairly firm and crisp, for the respective style and type of pack, are fairly free from seedy pickles, and that:

Not more than 20 percent by count of all the units in cucumber pickles may be markedly shriveled, soft, or slippery;

Not more than 20 percent by count of all the units in cucumber pickles may be hollow pickles; and

Not more than 20 percent by count of all the units in cucumber pickles may have chalky white areas.

(iv) Cucumber pickles that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of cucumber pickles, the grade for such lot will be determined by averaging the total scores of all the containers comprising the sample if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all the containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for cucumber pickles.* The following score sheet may be used to summarize the factors determining the various grades:

| | |
|---|---|
| Size and kind of container | |
| Container code or marking | |
| Label | |
| Net weight (in ounces) | |
| Vacuum (in inches) | |
| Drained weight (in ounces) | |
| Style | |
| Type | |
| Density of sirup (° Baume or ° Brix) | |
| Acidity—grams per 100 ml | |
| Salt (% Na Cl) | |
| Size count (if whole) | |
| Ingredients (if mixed or chow chow): ____% Cucumbers. ____% Cauliflower. ____% Onions. ____% Peppers. | |

| Factors | | Score points | |
|---|---|---|---|
| I. Color | 20 | (A) 16–20<br>(C) 13–15 [1]<br>(D) 0–12 [1] | |
| II. Uniformity of size and shape | 20 | (A) 17–20<br>(C) 13–16<br>(D) 0–12 [1] | |
| III. Absence of defects | 30 | (A) 26–30<br>(C) 22–25 [1]<br>(D) 0–21 [1] | |
| IV. Texture | 30 | (A) 26–30<br>(C) 22–25 [1]<br>(D) 0–21 [1] | |
| Total score | 100 | | |
| Normal flavor and odor | | | |
| Grade | | | |

[1] Indicates limiting rule.

(l) *Effective time and supersedure.* The United States Standards for Grades of Cucumber Pickles (which are the first issue) contained in this section shall become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER. (Pub. Law 712, 80th Cong.)

Issued at Washington, D. C., this 20th day of July 1948.

[SEAL] JOHN I. THOMPSON,
*Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 48-6641; Filed, July 22, 1948; 8:54 a. m.]

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[Interpretation 11]

## PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

### INTERPRETATION WITH RESPECT TO THE GUARANTY OF AN ECONOMIC POISON

(a) *Purpose of the guaranty.* (1) The manufacturer of an economic poison is presumed to know the composition of his product and he will ordinarily be the one who registers it with the Department of Agriculture. He will, therefore, be in position to determine whether or not its shipment or distribution is legal.

(2) The distributor who purchases it from him will not be in a position to determine its composition except as he has it analyzed in a chemical laboratory and he will not know, except as his supplier may inform him, whether the product is registered, and what representations were made in connection with the registration. It will, therefore, be difficult for him to determine whether or not its shipment or distribution is legal.

(3) In order that the distributor may protect himself the act specifies that the penalties provided for violations of section 3a shall not apply to any person who establishes a guaranty, signed by and containing the name and address of the registrant or person residing in the United States from whom he purchased and received in good faith the article in the same unbroken package, to the effect that the article was lawfully registered at the time of sale and delivery and that it complies with the other requirements of the act, giving the name of the act in full. When the distributor holds such a guaranty, the guarantor is responsible for any violation involved in the shipment of the goods. However, the distributor, to avoid responsibility, must be able definitely to show that the economic poison in question is covered by a specific guaranty.

(b) *Who may give guaranty.* A guaranty may be given by any manufacturer, distributor, wholesaler, or any other person residing in the United States, who sells an economic poison to anyone else.

(c) *Scope and form of guaranty.* A guaranty may be either limited to a specific shipment or it may be general and continuing in nature. The following forms of guaranty are suggested:

(1) Limited form for use on invoice or bill of sale.

---------- hereby guarantees
Name of guarantor
that the economic poisons herein listed are lawfully registered with the U. S. Secretary of Agriculture and comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

---
Signature and postoffice address of guarantor

---
Date

(2) General and continuing form.

The economic poisons comprising each shipment or other delivery hereafter made by ---------- to or on the order of
Name of guarantor,

---
Name and address of

---
person receiving guarantee
are hereby guaranteed to be lawfully registered with the U. S. Secretary of Agriculture and to comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, as of the date of such shipment or delivery.

---
Signature and postoffice address of guarantor

---
Date

(3) In some cases an invoice may cover shipment of both economic poisons covered by permit for experimental use and registered economic poisons. The guaranty cannot apply to the economic poisons shipped under permit. Therefore, the above forms of guaranty must be modified to be applicable to such procedure. It is suggested that in such cases the name of the experimental economic poison as shown on the invoice or bill of sale be immediately followed by the word "Experimental." Then the first form of guaranty should be changed to read:

---------- hereby guarantees
Name of guarantor
that the economic poisons herein listed (except such as are designated "experimental") are lawfully registered with the Secretary of Agriculture and that they comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

---
Signature and post office address of guarantor

---
Date

A similar change should be made in the second form of guaranty.

(d) *Reference to guaranty.* No reference to the guaranty may be made on the label or in the labeling of the product since such reference would be likely to give the purchaser an unwarranted sense of security.

(e) *Limitation of guaranty.* The guaranty applies only so long as the economic poison remains unchanged in the manufacturer's or registrant's unbroken immediate container bearing his label. It expires when the immediate package is opened, when the material is repacked or relabeled, or when it has been otherwise changed so as to be in violation of the law after shipment or delivery by the person giving the guaranty. For example, a product may deteriorate when stored for any considerable length of time. It may have been in strict compliance with the law when shipped by the guarantor but a year later, when shipped by the distributor, it may have deteriorated and become worthless. In this case, the guaranty would not apply to the shipment a year later.

(Pub. Law 104, 80th Cong.; 61 Stat. 163; 7 CFR 162.3, 12 F. R. 6493)

This interpretative statement shall become effective upon publication in the FEDERAL REGISTER.

Issued this 20th day of July 1948.

[SEAL] H. E. REED,
*Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 48-6634; Filed, July 22, 1948; 8:53 a. m.]

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[Interpretation 12]

## PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

### INTERPRETATION WITH RESPECT TO THE ANALYZING AND TESTING OF ECONOMIC POISONS

*Analyzing and testing of economic poisons; functions of the Department.* Insofar as the Federal Insecticide, Fungicide and Rodenticide Act is concerned, the functions of the Department of Agriculture are those of a law enforcement agency. The Department analyzes and tests economic poisons subject to the Act to determine whether or not they are in violation of the provisions thereof. Its analytical and testing work is limited to official samples collected by official investigators or others who have been duly designated by the Director of the Livestock Branch. It cannot under-

take such work to help a manufacturer prepare his labeling. It is the manufacturer's responsibility to have such work carried out, which may be done by commercial laboratories or by other qualified persons. The Department is, however, willing to comment on proposed labeling submitted by manufacturers, based on available information.

The Department has no authority to recommend or to approve any specific commercial laboratory or person engaged in doing analytical or testing work on economic poisons.

(Pub. Law 104, 80th Cong.; 61 Stat. 163; 7 CFR 162.3; 12 F. R. 6493)

This interpretative statement shall become effective on publication in the FEDERAL REGISTER.

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[SEAL] H. E. REED,
*Director, Livestock Branch, Production and Marketing Administration.*

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[Interpretation 13]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

INTERPRETATION WITH RESPECT TO SHIPMENTS FOR EXPERIMENTAL USE; PERMIT REQUIREMENTS

(a) *Shipments for experimental use by certain Federal and State agencies.* The penalties provided for violation of section 3a of the act do not apply to the manufacturer or shipper of an economic poison intended only for experimental use by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons. This means that a manufacturer may freely ship economic poisons for experimental use by or under the supervision of the agencies indicated without registration or any other compliance with section 3a of the act. No Federal permits for these shipments are required.

(b) *Shipments for experimental use by others.* In the case of shipments of economic poisons for experimental use only, to parties other than Federal or State agencies authorized by law to conduct research in the field of economic poisons or to those working under their supervision, the same exemption from the penalties set forth for violation of section 3a of the act exists: *Provided,* That a permit has been obtained from the Department before shipment of the goods. This provision of the act is intended to apply primarily to shipments of products which have already been found to have economic poison value, but which are being tested further, usually on a larger scale, to determine their limitations. The information about their effectiveness is usually not sufficient to enable the preparation of adequate directions for use and adequate warning statements and, therefore, suitable labeling for registration cannot be prepared without further experimentation. This experimental work may be carried out on a large scale, including treatment of many acres of crops in various sections of the country. The material may be purchased by the user or it may be furnished free. The experimental work must be carried out by persons qualified to evaluate the results obtained. Offering the product for sale to anyone who wishes to purchase it will not be considered marketing for experimental use only, and products so offered will be subject to registration and all other requirements of the law.

(c) *Types of products and labeling.* (1) An economic poison shipped for experimental use may be one which has not previously been used as an economic poison, or it may be one which has had other economic poison uses and is now being tested for a new use.

(2) The labeling of economic poisons shipped under permit must state that they are for experimental use only.

(d) *Specific and general permits.* (1) If a manufacturer desires to make a single shipment of an economic poison for experimental use, he may obtain a permit for that specific shipment, or,

(2) If he desires to make more than one shipment of a single economic poison or closely allied economic poisons for experimental use, he may apply for a general permit. A general permit will be subject to the following limitations and may be cancelled at any time for any violation of its terms:

(i) It will be good only for a specified period of time, in no case exceeding one year.

(ii) It will be subject to the truthfulness of the representations made in the application for the permit.

(iii) It will apply only to one economic poison or closely allied group of such products. This provision is intended to include under one permit different formulations of the same material which are being tested to determine the best formulation for the particular use, but it is not intended to include under one permit entirely different chemicals used as economic poisons.

(iv) If the use of the product involves known special hazards to man, these must be shown on the label.

(e) *Applications for permits.* An application for a permit for shipment for experimental use should be made in the form of a signed letter addressed to Insecticide Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., giving in full the following information:

(1) Name and address of shipper and place or places from which shipment will be made.

(2) Proposed date of shipment, or proposed shipping period not to exceed one year.

(3) Identification of material to be covered by permit which should apply to a single material or group of closely allied materials.

(4) Approximate quantity to be shipped and types of tests such as for greenhouse, orchard, or field.

(5) A statement as to whether the product is sold or is delivered without cost.

(6) A statement that the economic poison is intended for experimental use only.

(7) Proposed labeling which, in addition to other statements, states that the product is for experimental use only.

Applications will be considered as rapidly as possible. In special cases the manufacturer may request telegraphic notification at his expense of the issuance of the permit.

(f) *Custom mixes.* Permits will not be issued for so-called custom mixes which are ordinarily economic poisons prepared to the special formula of the user. These are not intended for experimental use, but are special economic poisons intended for special uses. When shipped in interstate commerce, they are subject to the registration and other provisions of the law.

(g) *Shipment of products not classified as economic poisons.* Section 162.17 provides that a product is not an economic poison when it is being put through tests in which the purpose is only to determine its value for economic poison purposes or to determine its toxicity or other properties, and when the user does not expect to receive any benefit in pest control. This will, in general, include products being put through so-called screening tests or preliminary tests to determine whether further tests with them are worth while; products shipped to toxicological laboratories to determine their toxicity; products sent to chemical laboratories for chemical investigation; and products shipped for tests by testing laboratories which maintain test plots solely to evaluate the effectiveness of the product and not for the value of the crops obtained. Permits are not required for shipments of products of this type and they are not subject to the provisions of the act in any way. There is no requirement for any report concerning them to the Department, except when it is necessary to report the results of the tests to support claims when they are later submitted for registration. However, confidential progress reports will be valuable to the Department.

(Pub. Law 104, 80th Cong.; 61 Stat. 163; 7 CFR 162.3, 12 F. R. 6493)

This interpretative statement shall become effective on publication thereof in the FEDERAL REGISTER.

Issued this 20th day of July 1948.

[SEAL] H. E. REED,
*Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 48-6636; Filed, July 22, 1948; 8:53 a. m.]

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[Interpretation 14]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

INTERPRETATION WITH RESPECT TO LABELING OF INSECTICIDES CONTAINING BENZENE HEXACHLORIDE

(a) *Composition.* Benzene hexachloride, or 1, 2, 3, 4, 5, 6-hexachlorocyclo-

hexane, has the formula $C_6H_6Cl_6$. The technical material is a mixture of several isomers together with other products of the chemical reaction. Tests have indicated that the gamma isomer of benzene hexachloride is much the most active as an insecticide of the isomers which have been studied. The other isomers appear to have some value in killing insects, but the value is very low in comparison to that of the gamma isomer.

Much of the technical benzene hexachloride is said to contain about 12% of the gamma isomer as the original reaction result. By the use of a selective solvent, the proportion of the gamma isomer can be increased thus giving a more purified material.

(b) *Ingredient statements.* Since the gamma isomer of benzene hexachloride is much the most important constituent in the technical material and since most insecticidal research has been reported on its basis, the gamma isomer of benzene hexachloride should be stated separately in the ingredient statement for an insecticide containing it. The other isomers of benezene hexachloride are of much less importance from an insecticidal standpoint, and no objection is raised to merely stating their total percentage. Thus, for an insecticide consisting of technical benzene hexachloride and an inert powder, the following form of ingredient statement would comply with legal requirements:

| Active ingredients: | *Percent* |
|---|---|
| Gamma isomer of benzene hexachloride | ----- |
| Other isomers of benzene hexachloride | ----- |
| Inert ingredients | ----- |
| Total | 100 |

the correct values being inserted in the blank spaces.

(c) *Acceptable and objectionable uses.* (1) The conditions under which benzene hexachloride can be safely used have not been fully determined; but until more work has been done, it does not appear that insecticides containing it should be used to treat portions of plants used for food, soil in which they are grown, or animals, except in certain special cases which on the basis of present information seem likely to be safe. Comment on some suggested uses of insecticides containing benzene hexachloride, based on present information, is as follows:

(i) Use on poultry house roosts against lice is acceptable. This usage should be restricted to treatment of the roost with sufficient of the material to control lice. The product should not be used for treatment of other parts of the house and should not be recommended to control chicken mites, blue bugs or stick-tight fleas.

(ii) Use on beef cattle, hogs and sheep at normal dosages for the control of lice, ticks and sheep ticks is acceptable. There is considerable question as to the propriety of using products containing benzene hexachloride on dairy cattle due to the possibility of adverse effects on the milk. We are not familiar with evidence which would justify such usage.

(iii) Most uses on truck crops are questionable at the present time, although further investigation may show satisfactory uses. Use on spinach up to one month before cutting, on cabbage before heads begin to form, and on tomatoes up to the time of bloom to control aphids at a proper dosage appears to be justifiable.

(iv) Use on field crops, including wheat, oats and alfalfa, if the directions provide for proper use and contain adequate cautions, is acceptable.

(v) Use on apple, pear and peach trees at proper dosages and not later than one month prior to harvest in the case of peaches and 2 months prior to harvest in the case of apples and pears is acceptable. There may be satisfactory usages for other fruits, but they would have to be the subject of special consideration.

(vi) Use on cotton at proper dosage for the control of certain insects infesting it is acceptable.

(vii) Use on flowers, ornamental trees and shrubs, and forest trees where tainting of food products is not a factor, is acceptable, assuming, of course, that dosages are recommended which are effective against the insects to be controlled and safe for use on the plants.

(2) Uses other than those indicated above should be recommended only when there is sufficient evidence of their safety to justify such recommendations. Benzene hexachloride has a very strong and persistent odor which it is likely to give to any edible plant products with which it comes into contact. During 1947, there were heavy losses due to condemnation, for off-flavor, of potatoes grown in soil which had been treated with benezene hexachloride to kill wire worms. Treated peas, beans, onions, carrots, tomatoes and other vegetables have been reported to have had objectionable flavors, and treatment of poultry houses is stated to have resulted in the tainting of the flesh of poultry and of eggs. The effect of benzene hexachloride on dairy cattle has not been fully determined, but it appears possible that it might injure the milk. While benzene hexachloride used in soil is quiet effective against certain soil infesting insects, it can remain in the soil for considerable periods of time and is likely to cause off-flavors in root crops grown in the soil. Its use in soil seems in most cases to be unwarranted and its use on tobacco also appears questionable.

(d) *Caution statements.* (1) Since there are certain hazards involved in the use of these preparations, their labels are required to bear cautions which will be sufficient, if followed, to avoid injury. The following caution statements are acceptable, though the exact wording is not mandatory. If other wording is used, it should be equally informative.

(i) For benzene hexachloride and dry formulations containing 25% or more of benzene hexachloride.

WARNING

Harmful vapor and dust may cause irritation of skin and eyes; may be absorbed through the skin.

Avoid inhaling dust, vapor, or mist from sprays.

Avoid contact with skin or eyes.

Avoid contamination of foodstuffs.

In case of skin contact, wash with plenty of soap and water.

For eyes, flush with water and get prompt medical attention.

(ii) For dry formulations containing less than 25% benzene hexachloride:

CAUTION

Avoid inhaling dust, vapor, or mist from sprays.

Avoid contact with skin.

Avoid contamination of foodstuffs.

(iii) For solutions or emulsions of benzene hexachloride:

(Since various solvents which differ in toxic properties may be used, labels should bear the precautionary statements covering the combined hazards of benzene hexachloride and the solvent.)

(2) If the product is to be applied to plants that are used as food, a warning should be included in the directions for use to the effect that the material should not be applied where there is danger of a toxic residue, or residual odor or taste, remaining on foodstuffs or edible portions of treated crops.

(Pub. Law 104, 80th Cong., 61 Stat. 163; 7 CFR 162.3, 12 F. R. 6493)

This interpretative statement shall become effective on publication thereof in the FEDERAL REGISTER.

Issued this 20th day of July 1948.

[SEAL] H. E. REED,
*Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 48-6637; Filed, July 22, 1948; 8:53 a. m.]

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[Interpretation 15]

## PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

### INTERPRETATION WITH RESPECT TO LABELING OF MINERAL OIL-PYRETHRUM AND SIMILAR CONTACT HOUSEHOLD FLY SPRAYS

(a) *Composition.* Mineral oil-pyrethrum and similar household fly sprays consist of pyrethrum extract, alone or with other toxic materials or synergists, in a mineral oil base. Other toxicants which may be present include rotenone, sesame extract or sesamin, dichloro diphenyl trichloroethane (DDT), undecyleneamide, beta (symbol) butoxy beta prime (symbol) thiocyano-diethyl-ether, chlordane (octachloro-4,7-methano tetrahydroindane), piperonyl butoxide ((butyl carbityl) (6 propyl piperonyl) ether), and others. Such sprays may also contain small amounts of perfume to cover their odors. If pyrethrum extract is used as the sole toxicant, it should be present in sufficient amount to give 100 mgs. of pyrethrins to each 100 mls. of insecticide. This is equivalent to about 0.13% of pyrethrins by weight in the finished product. If other toxicants are used, they should be such that the product will have a strength against the insects for which it is to be used at least as great as the product containing 100 mgs. of pyrethrins to each 100 mls. of insecticide.

(b) *Ingredient statement.* (1) The active ingredients for the product containing pyrethrum extract in petroleum distillate will be the pyrethrins and petroleum distillate. Essential oils in

amounts of 0.5% or less may be neglected. For such a preparation containing 0.13% by weight of pyrethrins, either of the following ingredient statements would be acceptable under the act:

| Active ingredients: | *Percent* |
|---|---|
| Pyrethrins | 0.13 |
| Petroleum distillate | 99.87 |

or

| | |
|---|---|
| Active ingredients | 100 |
| Petroleum distillate. | |
| Pyrethrins. | |

If other active ingredients are present, their names should be included in the ingredient statement. All values for percentages should be in terms of percentage by weight. If the second form of ingredient statement is used, the ingredients must be named in the descending order of the quantities of each present.

(2) The names given for the ingredients must be the common names, if they have common names. Otherwise, the chemical names should be used. Trade marked names should not be used in the ingredient statement.

(c) *Directions for use in general.* The labeling must bear adequate directions for use. Although these products are commonly referred to as "fly sprays," they are often recommended for use against a number of other household insects—as, for example, mosquitoes, roaches (water bugs), bedbugs, ants, and clothes moths. They are contact sprays: that is, in order to be effective they must be applied in such a manner as to hit the insects to be killed. Since the habits and life cycles of different insects vary, the directions must in each case be adapted to the particular varieties of insects to be controlled.

(d) *Directions for use against flies and mosquitoes.* Directions for use against flies and mosquitoes should provide for closing all doors and windows and thoroughly spraying the material into all parts of the room, particularly toward the ceiling, so as to fill the room with a fine mist, and should direct that the room be left closed for 10 to 15 minutes, and the fallen insects then swept up and destroyed, unless the product has high killing power. This latter precaution is necessary because some of the insects will be only paralyzed and will later recover.

(e) *Directions for use against household ants, roaches and bedbugs.* The directions for use against household ants, roaches, and bedbugs should provide that the product be sprayed thoroughly with force into all parts of the room, paying special attention to cracks and crevices and hitting as many of the insects as possible. For the control of bedbugs, directions should state that the bed, all tufts and seams in the mattress, and all places in the room where the bugs may hide should be thouroughly sprayed. All directions should provide that the treatment be repeated as often as may be necessary.

(f) *Directions for use against clothes moths.* The directions for use against clothes moths should provide for cleaning all articles to be protected and for following with a thorough spraying, to be applied particularly to seams and folds, and for thoroughly spraying the interior of all containers. Unless the articles are to be stored in moth-tight containers immediately after treatment, directions should be given for repeating the sprayings at least once a month. Preparations of this type should not be recommended for use on upholstered furniture except where explicit directions are given for opening up the upholstery and heavily spraying or saturating the interior fabric, as well as the outside surfaces, and repeating the treatment when necessary.

(g) *Caution or warning statements.* (1) Economic poisons are required to bear warning or caution statements when necessary to protect the public from injury. No such warning statements, insofar as injury from poisoning is concerned, are required on the labels of products consisting solely of one or more of the following: pyrethrum extract, rotenone, sesame, or piperonyl butoxide, in deodorized kerosene, except where the product may be used around food or animals. In cases in which the product may be used around food or animals, directions should provide that contamination of foods should be avoided and that the product should not be used on animals except under conditions where it has been proven safe. If the product contains toxicants other than those mentioned, any necessary caution statements should appear on the label.

(2) Kerosene is inflammable and the labels of products containing it should bear a warning such as "Caution: Do not spray in presence of open flame."

(h) *Deterioration.* Mineral oil-pyrethrum sprays, if exposed too long to the light of the sun in ordinary glass bottles, or if stored too long, may lose much of their efficiency due to the decomposition of the active ingredients. It has also been reported that deterioration may occur due to decomposition of the pyrethrins through contact with the solder or lining of the can when packed or stored for considerable periods of time in metal cans.

(i) *Grade classification.* The grade classifications given in Commercial Standard CS 72–38 apply only to contact fly sprays and should be used only for such products. If a claim of grade classification is made for fly spray, it should be only such a grade as is justified by both the knockdown and killing effectiveness of the product. There is no general recognized grade classification for household insecticides other than fly sprays and no such claim should be made for them.

(j) *Unwarranted claims.* These preparations are not effective against all household insects and claims of effectiveness against "insects," and "all flying insects" are unwarranted and should not be made. These sprays cannot be relied upon to control any insect that cannot be reached by the spray. This applies also to the eggs, which are often placed where they are inaccessible. Claims such as "extermination" are unwarranted and should not be made.

Products of this type are injurious under certain conditions to both man and animals. Therefore, their labels must not bear such unqualified claims as "non-poisonous," "non-injurious," or "harmless to man and animals."

Such products are of no value in disinfecting and will not prevent diseases, and therefore claims to that effect should not be made.

(Pub. Law 104, 80th Cong., 61 Stat. 163; 7 CFR 162.3, 12 F. R. 6493)

This interpretative statement shall become effective on publication thereof in the FEDERAL REGISTER.

Issued this 20th day of July 1948.

[SEAL] H. E. REED,
*Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 48-6638; Filed, July 22, 1948; 8:53 a. m.]

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[Interpretation 16]

## PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

### INTERPRETATION WITH RESPECT TO LABELING OF INSECTICIDES CONTAINING DDT

(a) *Composition.* (1) The term "DDT" refers to the compound 2,2-bis (parachlorophenyl)-1,1,1-trichloroethane, including both the technical grade of this material, minimum setting point 89° C., and the purified grade, minimum setting point 103° C. Technical DDT, which is the form of this chemical used for most insecticidal purposes, consists primarily of 2,2-bis (parachlorophenyl)-1,1,1-trichloroethane, together with impurities, including considerable amounts of isomers and much smaller amounts of other by-products formed in its manufacture.

(2) When DDT is used as an insecticide, it is mixed or compounded with other materials to make it suitable for application. The forms commonly used are solutions in kerosene, deodorized kerosene, or other mineral oil, to which other insecticides may be added; emulsifiable materials consisting of DDT in an oil solvent, together with an emulsifier, so that emulsions will be formed when they are mixed with water; powders (which may be used as dusts, sprays, or paints) consisting of DDT in an inert carrier, such as pyrophyllite, talc, or clay, with or without a wetting agent; the so-called aerosols, consisting of a propellant such as one or more of the Freons, DDT, and other insecticides.

(b) *Ingredient statement.* All of technical DDT is considered an active ingredient in an insecticide and should be so designated under the name "dichloro diphenyl trichloroethane."

(1) For an insecticide containing DDT as its only active ingredient, the following form of ingredient statement complies with the requirements of the law:

| Active ingredient: | *Percent* |
|---|---|
| Dichloro diphenyl trichloroethane | ----- |
| Inert ingredients | ----- |
| Total | 100 |

the correct values in terms of percentage by weight being inserted in the blank spaces.

(2) When DDT is used in solution in deodorized kerosene as a contact or re-

sidual household insecticidal spray, both the DDT and the kerosene are considered active. For such a product the following form of ingredient statement would be acceptable:

| Active ingredients: | Percent |
|---|---|
| Dichloro diphenyl trichloroethane | ----- |
| Petroleum distillate | ----- |
| Total | 100 |

the correct values being inserted in the blank spaces.

(3) When DDT is prepared in emulsifiable form, the product usually consists of DDT, a solvent such as xylene, methyl naphthalenes or aromatic petroleum derivative solvent, and an emulsifier. The DDT and the solvent are usually active ingredients. The emulsifier may be active or inert, depending upon the particular emulsifier used. If the emulsifier is inert, the following form of ingredient statement is acceptable:

| Active ingredients: | Percent |
|---|---|
| Dichloro diphenyl trichloroethane | ----- |
| Xylene (or other solvent) | ----- |
| Inert ingredients | ----- |
| Total | 100 |

or if the emulsifier is an active ingredient and the product contains no inert ingredients, the statement may be in the following form:

| Active ingredients: | Percent |
|---|---|
| Dichloro diphenyl trichlorethane | ----- |
| Xylene (or other solvent) | ----- |
| (Chemical name of emulsifier) | ----- |
| Total | 100 |

the correct values in terms of percentage by weight being inserted in the blank spaces in both instances.

(4) In any of the above cases the alternative form of ingredient statement may be used giving the name of each of the active ingredients and each of the inert ingredients in the order of their respective amounts present and giving the total percentage of the inert ingredients.

(c) *Adequacy of directions for use.* The labeling of each insecticide is required to bear adequate directions for use. This does not mean that the labeling must bear directions for use for all of the purposes for which the insecticide might be used but it must bear directions for the particular uses for which the insecticide is intended when such directions are necessary for the public protection. In general, the labeling of products for household use and small packages must bear quite detailed directions. The labeling for standard materials in large packages such as 50 lbs. or more may be more general.

(d) *Directions for use against houseflies, mosquitoes, and gnats.* (1) As little as 0.5% of DDT in kerosene is eventually effective as a spray for these insects, but it is very slow in action. Because of this sluggish action, products containing only small amounts of DDT in kerosene cannot be classified as to grade by the Peet-Grady method. Some other toxicant must be added if quick knockdown is desired. The directions for use should provide for closing all doors and windows and thoroughly spraying the product in all parts of the room particularly toward the ceiling so as to fill the room with a fine mist, and that the room be left closed for 10 or 15 minutes after spraying. No claims for lasting or residual effects should be made for such a treatment.

(2) Insecticides containing DDT can also be used for residual effect. A dosage of 200 milligrams of DDT per square foot will give residual effect up to 3 or 4 months unless removed by weathering, washing, or other means. To obtain such a deposit without runoff, it is usually considered necessary to apply a 5% concentration in oil or 2.5% in water emulsion or suspension. The directions should provide for thoroughly treating screens, walls, painted woodwork, light fixtures, and other places where the insects may alight. For flies and other insects attracted to light, it is most important to cover the spaces toward the light. Since some kinds of mosquitoes seek dark places, directions should provide for treating these hiding places. Screens are subject to weathering and, therefore, directions should provide for re-treating them at frequent intervals.

(e) *Directions for use against bedbugs.* Sufficient DDT in the form of an oil solution, as a dust, or in an emulsion will be effective as a contact or as a residual poison for bedbugs. The directions should provide for thoroughly treating bedsteads and mattresses, wall cracks and other hiding places about the room. If a good treatment is given and the residue is left in place, it may be effective for as long as six months.

(f) *Directions for use against fleas infecting premises.* Dusts and oil sprays containing DDT in suitable amounts have been found effective against fleas. Directions should provide for thoroughly spraying or dusting floors, rugs, and other flea-infested places. Under ordinary conditions where the residue is not removed, residual action for several weeks may be expected.

(g) *Directions for use against ants in buildings.* (1) Directions should provide that oil solutions containing DDT be sprayed so as to hit as many of the ants as possible and to thoroughly wet their runways and the other places which they frequent. Such treatment should give a residual effect for periods up to several weeks.

(2) Dusts containing DDT have shown value against certain species of ants. They should be recommended for use so as to hit as many ants as possible and to cover their runways and the places they frequent. If a dust is not effective against all sorts of ants infesting households, this should be made clear.

(h) *Directions for use against roaches.* Not less than 8% of DDT in a dust, 5% in an oil solution, or 2.5% in a water spray should be recommended for these insects. The German roach or waterbug is especially difficult to control with insecticides containing DDT. Instructions should provide for treating cracks and crevices in woodwork, dark places behind pipes, and all places which roaches infest, hitting as many insects as possible. A thorough treatment may give protection for several weeks; but in view of the difficulty in controlling these insects, instructions should be given for repeating the treatment whenever reinfestation occurs.

(i) *Directions for use against ticks in premises.* The brown dog tick, which is not known to carry disease, hides in cracks or crevices of kennels or houses, and directions for use against it should be similar to those for use against roaches. Since the engorged tick is quite resistant, a second treatment may be necessary.

(j) *Directions for use against clothes moths and carpet beetles.* (1) The oil sprays containing DDT will kill clothes moths and carpet beetle larvae by contact. Directions for this use should provide for thoroughly spraying the articles to be protected, paying particular attention to folds and seams, as well as spraying the containers in which they are packed. If they are not in tight containers, the treatments should be repeated at monthly intervals.

(2) DDT is also known to have mothproofing properties—that is, residues as, for example, 1% of DDT based on the weight of the fabric, remaining in the fabric, will give lasting effect up to one year. Any directions for such use should provide for a thorough contact with the fibers of the articles to be protected. Since the DDT will be removed by dry cleaning, by washing, or by other agents, instructions should be included to repeat the treatment after dry cleaning, washing, or other exposure.

(k) *Directions for use against insects infesting livestock.* (1) DDT in the form of a wettable powder or emulsion may be used to protect livestock from hornflies, mosquitoes and gnats, as well as to control lice and sheep ticks. It may be used either as a spray, wash or dip. Directions should provide that the animal be thoroughly soaked with the insecticide. For hornflies, mosquitoes and gnats a dilution containing as little as 0.2% DDT may be used. Directions should recommend that treatment be repeated every 2 to 3 weeks during the hornfly season. For lice on cattle the dilution should contain at least 0.5% of DDT and directions should provide that the treatment be repeated once or twice at 10-day intervals. For lice on sheep and goats, a 0.2% dilution may be recommended, with repeated treatments as for cattle lice. A single thorough treatment by dipping or a driving spray with 0.2% dilution may be recommended for sheep ticks. Repellent, oil-base sprays containing up to 0.5% DDT and suitable amounts of repellents or toxicants may be recommended at the rate of 1 oz. of spray per adult cow or horse, with not over 2 applications a day, as temporary repellents for hornflies, stable flies, and houseflies. The directions should provide in such cases for washing of the cow's udder prior to milking and for protecting milking utensils.

(2) Treatment of livestock is not an effective control for flies, other than hornflies. Stable flies can be controlled by a premise treatment similar to that used for houseflies.

(l) *Directions for use against agricultural and garden insects.* The directions for use against agricultural and garden insects should be limited to those for which the product is known to be ef-

fective. It should not be recommended for such insects as Mexican bean beetle or some aphids, mites or scale insects for which it is not usually effective. Adequate timing of the sprays should be specified. The directions should definitely warn against use on plants where the product will cause injury to the plants or where a residue will be left on edible portions of the plants. This applies to plants used for either human or animal foods.

(m) *Wording of caution statements.* Insecticides containing DDT are not considered highly toxic under the act due to their DDT content and they are, therefore, not required because of such content to bear the skull and crossbones, the word "poison," or an antidote statement. The act does, however, require a caution or warning statement to prevent injury to humans. The following suggested cautions have been prepared after consultation with authorities on toxicity:

(1) For straight DDT Technical:

Caution: DDT is toxic and when in solution can be absorbed through the skin.
Avoid inhaling dusts, and mist from spray.
Avoid contamination of foodstuffs.

(2) For petroleum oil solutions containing not more than 25% DDT technical:

Caution: This solution, if brought into repeated or prolonged contact with skin, can cause toxic symptoms.
Avoid excessive inhalation and skin contact.
In case of spillage on the skin, wash with soap and water.
Avoid contamination of foodstuffs.
Do not use on household pets or humans.

(3) For petroleum oil solutions containing more than 25% DDT technical:

Caution: This solution, if brought into contact with skin, can cause toxic symptoms.
Avoid inhalation and skin contact.
In case of spillage on the skin, wash immediately with soap and water.
Avoid contamination of foodstuffs.
Do not use on household pets or humans.

(4) For emulsions containing not more than 25% DDT Technical:

Caution: This solution, if brought into repeated or prolonged contact with skin, can cause toxic symptoms.
Avoid excessive inhalation and skin contact.
In case of spillage on the skin, wash with soap and water.
Avoid contamination of foodstuffs.
Do not use on household pets or humans.

(5) For emulsions containing more than 25% Technical:

Caution: This solution, if brought into contact with skin, can cause toxic symptoms.
Avoid inhalation and skin contact.
In case of spillage on the skin, wash immediately with soap and water.
Avoid contamination of foodstuffs.
Do not use on household pets or humans.

(6) For combustible mixtures:

Caution: This solution, if brought into contact with skin, can cause toxic symptoms.
Avoid inhalation and skin contact.
In case of spillage on the skin, wash immediately with soap and water.
Avoid contamination of foodstuffs.
Do not use on household pets or humans.
Caution: Do not spray into or near fire or open flame.
Do not smoke while spraying.

(7) For dust and powder formulations:

Caution: Avoid excessive inhalation.
Avoid contamination of foodstuffs.

If the preparation contains other hazardous ingredients or solvents, appropriate additional cautions must be added to the foregoing.

(Pub. Law 104, 80th Cong.; 61 Stat. 163; 7 CFR 162.3, 12 F. R. 6493)

This interpretative statement shall become effective on publication thereof in the FEDERAL REGISTER.

Issued this 20th day of July 1948.

[SEAL] H. E. REED,
*Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 48-6639; Filed, July 22, 1948; 8:54 a. m.]

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[Interpretation 17]

## PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

### INTERPRETATION WITH RESPECT TO LABELING OF WEED KILLERS CONTAINING 2,4-D

(a) *Composition.* 2,4-D is a loose term used to refer to 2,4-dichlorophenoxyacetic acid and its salts and esters which are used as weed killers. The acid itself is not very soluble in water and is not commonly used alone as a weed killer. It may be mixed with an alkali such as sodium carbonate so that it will form the sodium salt when treated with water or it may be transformed to the sodium, potassium, ammonium or ethanol amine salts or to an ester such as the ethyl, isopropyl or butyl ester.

(b) *Ingredient statement.* (1) The active ingredient in a weed killer containing 2,4-D will be the actual compound of 2,4-dichlorophenoxyacetic acid which is present. In a powder containing the acid and sodium carbonate, it will be 2,4-dichlorophenoxyacetic acid. If the product contains the anhydrous sodium salt of 2,4-dichlorophenoxyacetic acid, it will be the anhydrous sodium salt. Similarly, the ethanol amine salt of 2,4-dichlorophenoxyacetic acid will be the active ingredient in a product containing it.

(2) Since the action of products containing 2,4-D has been reported on the basis of the equivalent content of 2,4-dichlorophenoxyacetic acid, it is desirable that the equivalent amount of the acid be given in the ingredient statment. However, it should be borne in mind that some compounds, particularly the esters, act differently from others and it is not, therefore, safe to base judgment entirely on the equivalent acid content.

(3) When sodium 2,4-dichlorophenoxyacetate monohydrate is present in a dry mixture, it should be considered the active ingredient; but if it has been put into solution, only the anhydrous material should be considered active since the monohydrate, as such, is no longer present.

(4) The following forms of ingredient statement are acceptable for the types of material indicated. In each case, correct values should be inserted in the blank spaces.

(i) A mixture of 2,4-dichlorophenoxyacetic acid, sodium carbonate, and other inert ingredients:

| Active ingredient: | *Percent* |
|---|---|
| 2,4-dichlorophenoxyacetic acid | ----- |
| Inert ingredients | ----- |
| Total | 100 |

(ii) A mixture of the anhydrous sodium salt of 2,4-dichlorophenoxyacetic acid and inert material:

| Active ingredient: | *Percent* |
|---|---|
| *Sodium salt of 2,4-dichlorophenoxyacetic acid | ----- |
| Inert ingredients | ----- |
| Total | 100 |

*Equivalent to 2,4-dichlorophenoxyacetic acid ------%.

(iii) Ethanol amine salt of 2,4-dichlorophenoxyacetic acid and inert ingredients:

| Active ingredient: | *Percent* |
|---|---|
| *Ethanol amine salt of 2,4-dichlorophenoxyacetic acid | ------ |
| Inert ingredients | ------ |
| Total | 100 |

*Equivalent to 2,4-dichlorophenoxyacetic acid ------%.

(iv) Butyl ester of 2,4-dichlorophenoxyacetic acid and inert ingredients:

| Active ingredient: | *Percent* |
|---|---|
| *Butyl ester of 2,4-dichlorophenoxyacetic acid | ------ |
| Inert ingredients | ------ |
| Total | 100 |

*Equivalent to 2,4-dichlorophenoxyacetic acid ------%.

(c) *Directions for use.* (1) 2,4-D weed killers have been successfully used to control broad leaf weeds like plantain, dandelion, henbit and chickweed in lawns, pastures and golf courses; to destroy certain weeds in drainage ditches and streams (but in this case caution must be exercised not to contaminate water used for irrigation) and to treat rice, sugar cane, oat, barley, wheat and corn fields. Its use is not without danger to other plants, this danger being especially great in the case of the dusts and esters.

(2) It is the responsibility of the manufacturer to prepare directions for use such that when followed the product will be effective against the weeds for which it is intended without injury to persons, useful plants, or animals. The following points should be given consideration:

(i) Time of application.
(ii) Method of application.
(iii) Dosage.
(iv) Dilution if the product is to be used in spray form.

(3) State and local agricultural authorities should be consulted as to uses.

(d) *Caution or warning statement to avoid injury to valuable plants.* (1) Herbicides containing 2,4-dichlorophenoxyacetic acid, its salts or esters, when used as selective weed killers, have been found to cause damage to valuable crops

and plants under many conditions. Some crops like tomatoes, cotton and sweet potatoes are severely damaged by small amounts of 2,4-D. When used in the dust form the poisons may drift great distances. Dusting by airplane is particularly likely to cause damage by such drift and is therefore objectionable. Esters of the poison are somewhat volatile. They should not be applied close to plants they are likely to kill. All weed killers containing 2,4-D should be stored where they will not contaminate seeds, fertilizers, insecticides or fungicides. Dusting or spraying equipment in which 2,4-D has been used should be thoroughly cleaned with a suitable chemical before being used for other purposes.

(2) Suggested caution or warning statements for labeling agricultural dust preparations containing 2,4-dichlorophenoxyacetic acid, or its salts or esters are as follows:

Caution: Before using, consult agricultural authorities in your State. This dust may drift for miles, even on quiet days, and cause damage to susceptible plants such as cotton, beans, peas, etc. Do not apply by airplane. Use only where there is no hazard of drift. Do not store near fertilizers, seeds, insecticides or fungicides. After use of this dust, do not use same equipment for insecticides or fungicides (or give directions for cleaning the equipment).

(3) Suggested caution or warning statements for agricultural spray materials containing 2,4-dichlorophenoxyacetic acid or its salts or esters are as follows:

Caution: Avoid spray drift to susceptible plants as this product may injure cotton, beans, peas, ornamentals, etc. (Coarse sprays are less likely to drift). Thoroughly clean spray equipment with a suitable chemical cleaner before using for other purposes (or do not use same spray equipment for other purposes). Do not store near fertilizers, seeds, insecticides or fungicides.

(4) In addition to the above statements, preparations containing esters should bear a warning against the hazards due to their vapors, such as:

Vapors from this product may injure susceptible plants in the immediate vicinity.

(5) Other wording for the caution or warning statement may be used provided it is equally informative and effective.

(6) Herbicides containing 2,4-D prepared in small packages for home garden and lawn use should contain adequate caution or warning statements on their labels to warn of the hazards in their use. When recommended for use on lawns, golf courses and pastures, the label should warn of the injury to bent grass and clover and damage to grass seedlings on newly seeded ground. The hazard of the drift of spray and dust should be noted by a statement like "Avoid drift of spray mist (dust) onto vegetables, flowers, ornamental trees and shrubs, and other desirable crop plants."

(e) *Caution or warning statements to avoid injury to man or animals.* Available information does not indicate that herbicides containing 2,4-D are highly toxic to man. Therefore, their labels are not required to bear the word "poison," the skull and cross-bones, or an antidote statement. However, they may cause irritation to the skin or dangerous amounts may be absorbed through it, and products containing 2,4-D should bear a caution statement such as "Avoid excessive or repeated contact with the skin." Ill effects to animals due to grazing on treated pastures have not been reported.

(f) *Products not intended for economic poison use.* Products containing 2,4-D which are intended for use solely to prevent fruit drop, or for other non-economic poison uses are not subject to the Act and need not comply with its provisions.

(Pub. Law 104, 80th Cong.; 61 Stat. 163; 7 CFR 162.3, 12 F. R. 6493)

This interpretative statement shall become effective on publication thereof in the FEDERAL REGISTER.

Issued this 20th day of July 1948.

[SEAL] H. E. REED,
*Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 48-6640; Filed, July 22, 1948; 8:54 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Federal Security Agency

### PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

### BROMATED FLOUR AND ENRICHED BROMATED FLOUR

In the matter of amending the definitions and standards of identity for bromated flour and enriched bromated flour:

*Final order.* By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and upon the basis of substantial evidence received at the hearing duly held pursuant to notice published in the FEDERAL REGISTER on February 21, 1948 (13 F. R. 814); no exceptions having been filed to the tentative order issued by the Federal Security Administrator and published in the FEDERAL REGISTER on June 10, 1948 (13 F. R. 3135), the following order is hereby promulgated:

DEFINITIONS AND STANDARDS OF IDENTITY

*Findings of fact.*[1] 1. By order published in the FEDERAL REGISTER, May 27, 1941 (6 F. R. 2579; 21 C. F. R., Cum. Supp., 15.20, 15.30) the standards of identity for bromated flour and enriched bromated flour provided for the addition of potassium bromate in quantities not exceeding 75 parts per million to flour or enriched flour, the protein content of which, on a moisture-free basis, was not less than 15 percent (approximately 13.5 percent on an "as is" moisture basis).

2. Since the promulgation of the present standards for bromated flour and enriched bromated flour in 1941, additional experimentation and the experience of millers and bakers have shown that the addition of small amounts of potassium bromate to some flours containing less than 15 percent protein on a moisture-free basis will improve their baking qualities in much the same way as with flours containing more than 15 percent protein. (R. 17–18, 29–31, 40–42, 44, 61–63, 84–87, 97, 110, 116–117, 161–162, 174–176; Ex. 5, 8, 10, 13)

3. Increased experience with the use of potassium bromate in flours of various protein contents shows the added potassium bromate need not exceed 50 parts per million of the finished bromated flour for the purpose of obtaining the improvements in baking quality made possible by the use of this substance. (R. 17, 29, 48–49, 51, 78; Ex. 7)

4. Flour of protein content lower than 15 percent on a moisture-free basis is used for both home and commercial baking and for many purposes in addition to the baking of bread. While improved baking qualities are apparent when some bromated lower-protein flours are used in the production of yeast-leavened bread, little or no improved baking qualities have been observed when such flour is used in the production of other baked products. However, in those flours whose baking qualities are not improved it does not appear that bromating in quantities under 50 parts per million interferes with their use. (R. 44, 64–66, 68–72, 79, 102, 116–117, 121–122; Ex. 5, 8, 10, 13)

5. It is common practice for millers, before bromating, to test flours for their response to additions of potassium bromate and to bromate only those flours whose baking qualities are improved thereby. (R. 19, 31, 40, 45–46, 68–71, 91, 100–101, 108; Ex. 10)

6. When flour to which potassium bromate has been added in amounts less than 50 parts per million is used in the preparation of yeast-leavened bread and rolls and in the preparation of cakes containing eggs, the potassium bromate is not found in the finished baked product. It is apparently all converted to potassium bromide. In general, in the case of biscuits and various other baked products made with such flour, only a partial conversion takes place, and residual potassium bromate will be found in the finished products. (R. 47, 49–50, 92–93; Ex. 6, 7)

7. There is convincing evidence that the small amounts of potassium bromide that would be consumed in baked products made from flour containing potassium bromate in amounts not over 50 parts per million are not injurious. There is less evidence as to the possible effects from the small amounts of potassium bromate not converted to potassium bromide, but it indicates that there are no deleterious effects from the consumption of foods prepared from bromated flour. (R. 146–155, 159, 185, 192–193, 197–198)

8. Where reference is made in the above findings to the addition of potassium bromate to flour the same facts apply where it is added to enriched flour. There is no measurable destruction of the enriching ingredients in enriched flour resulting from the addition of the potassium bromate. (R. 20–21, 79, 93–94, 117–118, 163)

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

*Conclusions.* It is in the interest of consumers that millers be able to bromate all flour and enriched flour whose baking properties are thereby improved.

It is unnecessary, for consumer protection, to set any limit based on protein content of flour to which potassium bromate may be added for the purpose of making bromated flour or enriched bromated flour.

On the basis of the foregoing findings of fact and conclusions it is further concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for bromated flour and enriched bromated flour (21 C. F. R., Cum. Supp. 15.20 and 15.30) so that after making the changes they read as follows:

§ 15.20 *Bromated flour; identity; label statement of optional ingredients.* Bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.00, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished bromated flour, and is added only to flours whose baking qualities are improved by such addition.

§ 15.30 *Enriched bromated flour; identity; label statement of optional ingredients.* Enriched bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for enriched flour by § 15.10, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished enriched bromated flour, and is added only to enriched flours whose baking qualities are improved by such addition.

(Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

*Effective date.* The amendments hereby promulgated shall become effective on the ninetieth day following the publication of this order in the FEDERAL REGISTER.

Dated: July 19, 1948.

[SEAL] OSCAR R. EWING,
*Administrator.*

[F. R. Doc. 48-6615; Filed, July 22, 1948; 8:50 a. m.]

# TITLE 25—INDIANS

## Chapter I—Office of Indian Affairs, Department of the Interior

[Order 544, Amdt. 1]

### PART 02—DELEGATIONS OF AUTHORITY

FUNCTIONS RELATING TO INDIAN LANDS AND MINERALS

*Correction*

In F. R. Doc. 48-6468, appearing in the issue of Wednesday, July 21, 1948, at page 4149, the first paragraph should read as set forth below:

Paragraph (b) (7) of § 02.7 *Functions relating to Indian lands and minerals,* of Chapter I, Part 02 (11 F. R. 10266), is hereby amended to read as follows:

### Subchapter S—Moneys, Tribal and Individual

### PART 223—JUDGMENT AND PAYMENT IN LIEU OF ALLOTMENT FUNDS

KLAMATH TRIBE; USE OF ADDITIONAL PAYMENT OF JUDGMENT FUND SHARE

Subpart A of Part 223 of Subchapter S, Title 25, is amended by the addition of a new § 223.18, as follows:

§ 223.18 *Use of additional payment of judgment fund share.* The sum of $500 credited to each member of the Klamath Tribes, pursuant to the provisions of the Klamath Welfare Act, may be expended and disbursed for the purposes prescribed in the act. Sections 223.1 to 223.17, inclusive, in so far as such sections are consistent with the provisions of the act, shall be applicable to such expenditures and disbursements. (Pub. Law 463, 80th Cong.)

WILLIAM E. WARNE,
*Assistant Secretary of the Interior.*

JULY 16, 1948.

[F. R. Doc. 48-6606; Filed, July 22, 1948; 8:48 a. m.]

# TITLE 31—MONEY AND FINANCE: TREASURY

## Chapter I—Monetary Offices Department of the Treasury

### PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

IMPORTING AND EXPORTING BETWEEN U. S. AND MEMBERS OF GENERALLY LICENSED TRADE AREA

JULY 19, 1948.

Amendment to General License No. 53 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Paragraph (d) (1) of § 131.53 (paragraph (4) (a) of General License No. 53) is hereby amended to read as follows:

§ 131.53 *General License No. 53.*
* * *

(d) As used in this section:

(1) The term "generally licensed trade area shall include all foreign countries except the following:

(i) Germany and Japan;

(ii) Bulgaria, Hungary, Roumania, and Italy;

(iii) Sweden, Switzerland, Portugal, and Liechtenstein;

(iv) France (including Monaco), Belgium, Norway, Finland, the Netherlands, Czechoslovakia, Luxembourg, Denmark, Greece, Poland, Estonia, Latvia, Lithuania, and Austria, but not including any colony or other non-European territory subject to the jurisdiction of any such country except French West Africa, Algeria, Tunisia, and French Morocco.

(Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, February 19, 1946, June 28, 1946 and January 1, 1947, 31 CFR, Cum. Supp., 130.1-7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 48-6631; Filed, July 22, 1948; 8:52 a. m.]

# TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

### PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), Part 203 is hereby amended in the following respects:

1. Section 203.714 governing the operation of drawbridges across San Joaquin River and its tributaries, California, is hereby amended by redesignating paragraph (c) (3) as (c) (4), and adding a new paragraph (c) (3) relating to the San Joaquin County highway bridge across Middle River between Drexler Tract and Union Island at Fish Camp Landing, as follows:

§ 203.714 *San Joaquin River and its tributaries, Calif.* * * *

(c) *Middle River.* * * *

(3) *San Joaquin County highway bridge between Union Island and Drexler Tract, at Fish Camp Landing.* At least 24 hours' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(4) *San Joaquin County highway bridge (Williams Bridge) between Union Island and Roberts Island.* * * *

2. Section 203.716 governing the operation of drawbridges across Sacramento River and its tributaries, California, is hereby amended by rescinding paragraph (c) and substituting the following in lieu thereof:

§ 203.716 *Sacramento River and its tributaries, Calif.* * * *

(c) *Miner Slough*—(1) *Prospect Farms pontoon bridge between Ryer Island and Prospect Island.* At least 12 hours' advance notice required. To be given to the Superintendent of Prospect Farms through the Courtland Exchange, or to the main office of Prospect Farms in San Francisco, California.

(2) *State of California highway bridge between northerly end of Ryer Island and Holland Tract.* At least 12 hours' advance notice required. To be given to the Division of Highways Maintenance Superintendent, Rio Vista, California.

(3) *Continuous attendance of the draws when Prospect Slough is impassable.* In the event that Prospect Slough is impassable for any reason, the owners

of or agencies controlling these bridges shall, on notification of that fact, provide continuous attendance of the draws during the period of such blocking and consequent hauling season on Miner Slough. Vessel owners shall notify the owners of or agencies controlling these bridges promptly, under such conditions, of the removal of obstruction from Prospect Slough or the termination of their shipping movements through Miner Slough.

[Regs. July 6, 1948, 823 (Middle River—Fish Camp Landing, Calif.—Mile 14)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 48-6584; Filed, July 22, 1948; 8:45 a. m.]

# TITLE 39—POSTAL SERVICE

## Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

INTERNATIONAL REPLY-PAID POST CARDS

In § 127.4 *Post cards,* of Subpart A (13 F. R. 895), make the following change:

In paragraph (i) change the last sentence to read as follows: "The sender of a post card with reply paid may have printed on the back of the reply half a questionnaire to be filled in by the addressee; the latter may return the inquiry half attached to the reply portion, in which case the address of the inquiry half shall be crossed out and folded on the inside of the card."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-6595; Filed, July 22, 1948; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PRINTED MATTER; WEIGHT LIMIT

In § 127.6 *Printed matter,* of Subpart A (13 F. R. 895), make the following change:

Amend the second sentence in paragraph (a) to read as follows: *"Limit of weight:* 6 pounds 9 ounces in general and 11 pounds for volumes of printed books sent singly, except in the case of certain countries, as shown in Table No. 2 of § 127.200."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-6588; Filed, July 22, 1948; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

SAMPLES OF MERCHANDISE

In § 127.9 *Samples of merchandise,* of Subpart A (13 F. R. 898), make the following change:

Amend the first sentence of paragraph (g) (7) to read as follows: "Articles which would deteriorate if packed in accordance with the general rules, as well as samples placed in transparent containers permitting verification of their contents, may, as an exception, be admitted in a hermetically sealed container."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-6591; Filed, July 22, 1948; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

AIR MAIL SERVICE

In § 127.20 *Air-mail service,* of Subpart A (13 F. R. 901), make the following changes:

1. Delete paragraph (b) in its entirety.

2. Amend paragraph (d) to read as follows:

(d) Articles for transmission by air to any foreign country should have affixed the blue "Par Avion/By Air Mail" label (Form 2978.)

3. Redesignate paragraphs (c) to (j) respectively as paragraphs (b) to (i) respectively.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-6597; Filed, July 22, 1948; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

WINDOW ENVELOPES

In § 127.24 *Window envelopes,* of Subpart A (13 F. R. 902), make the following change:

Amend § 127.24 to read as follows:

§ 127.24 *"Window" envelopes.* Envelopes which are entirely transparent or open-panel envelopes are unmailable. The window need not form an integral part of the envelope.

The panel shall lie parallel to the longest dimension, so that the address of the addressee appears in the same direction and the application of the date stamp is not hindered. The transparency of the panel shall assure perfect legibility of the address, even by artificial light, and shall not interfere with the application of a written note. Panel envelopes whose vitrified part allows reflection of artificial light are excluded.

Only the name and address of the addressee may appear through the panel, and the contents of the envelope must be folded in such a way that the address cannot be covered, even partly, as a result of slipping. The address shall be indicated legibly, in ink, in typewriting, or by printing in dark colored letters. Addresses written in ordinary or indelible pencil are not permitted. (R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-6596; Filed, July 22, 1948; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

ADDRESS, ETC.

In § 127.26 *Address, etc.,* of Subpart A (13 F. R. 902), make the following change:

Delete paragraph (a) in its entirety and substitute therefor the following.

(a) The address of mail articles should be in legible Roman letters placed lengthwise on the envelope in such a way as to leave the necessary space for service labels and notations (postmark, etc.). The name and address of the addressee should be precise and complete, with the names of the locality and country of destination shown in capital letters. Also, in the case of articles for cities or towns, the house number and street address should be shown.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-6592; Filed, July 22, 1948; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

OMISSION OF DISPATCH NOTES FROM PARCELS FOR CERTAIN COUNTRIES

In Part 127, Title 39, Code of Federal Regulations (13 F. R. 892), make the following changes:

1. In § 127.74 *Dispatch notes* (13 F. R. 918), delete, from the list of countries contained in paragraph (a), the following countries: Dahomey, Ethiopia (Abyssinia), French Cameroons, French Equatorial Africa, French Guinea, French Settlements in India, French Somaliland, French Sudan, French Togoland, Ivory Coast, Madagascar, Mauritania, New Caledonia, Niger, and Senegal.

2. Change, in subparagraph (1), *Table of rates,* of paragraph (b), *Parcel post,* the line "Dispatch note: 1 Form 2972",

appearing below the table of parcel post rates, to read "Dispatch note: No", in each of the following sections: § 127.239 *Dahomey* (13 F. R. 963); § 127.247 *Ethiopia (Abyssinia)* (13 F. R. 971); § 127.253 *French Cameroons* (13 F. R. 976); § 127.254 *French Equatorial Africa* (13 F. R. 976); § 127.256 *French Guinea* (13 F. R. 977); § 127.258 *French Settlements in India* (13 F. R. 978); § 127.260 *French Somaliland* (13 F. R. 979); § 127.261 *French Sudan* (13 F. R. 979); § 127.262, *French Togoland* (13 F. R. 979); § 127.282 *Ivory Coast* (13 F. R. 996); § 127.295 *Madagascar and Dependencies* (13 F. R. 1004); § 127.300 *Mauritania* (13 F. R. 1006); § 127.309 *New Caledonia and Dependencies* (13 F. R. 1013); § 127.315 *Niger* (13 F. R. 1017); § 127.345 *Senegal* (13 F. R. 1036).

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-6598; Filed, July 22, 1948; 8:47 a. m.]

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PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PRINTED MATTER; WEIGHT LIMITS

In § 127.200 *Postage rates, limits of weight and dimensions applicable to articles in the regular (Postal Union) mails*, of Subpart D (13 F. R. 930), make the following change:

In Table No. 1, in the column headed "Weight limits," change the amount opposite and applicable to "Printed matter: In general" from 4 pounds 6 ounces to 6 pounds 9 ounces; and change the amount opposite and applicable to "Printed matter: Single volumes" from 6 pounds 9 ounces to 11 pounds.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-6590; Filed, July 22, 1948; 8:46 a. m.]

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PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PROHIBITIONS; PARCEL POST FOR BELGIAN CONGO

In § 127.215 *Belgian Congo*, of Subpart D (13 F. R. 940), make the following changes:

1. In subparagraph (6) *Prohibitions*, of paragraph (b) *Parcel post*, subdivisions (i), (ii), (iii), (iv), (v), (vi) and (vii) are redesignated as subdivisions (ii), (iii), (iv), (v), (vi), (vii) and (viii) respectively.

2. The following is inserted as new subdivision (i) of paragraph (b) (6):

(i) Jewelry, silverware and other precious articles in unregistered parcels.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-6589; Filed, July 22, 1948; 8:46 a. m.]

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PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

GIFT PARCELS TO NETHERLANDS; TOBACCO

In § 127.307 *Netherlands*, of Subpart D, (13 F. R. 1012), make the following change:

Amend paragraph (b) (4) (v) to read as follows:

(v) Gift parcels addressed to individuals in the Netherlands may not contain more than 200 cigarettes or 500 grams (17½ ounces) of chopped tobacco, which amounts represent the monthly quota of tobacco that individuals are allowed to receive.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

V. C. BURKE,
*Acting Postmaster General.*

[F. R. Doc. 48-6593; Filed, July 22, 1948; 8:47 a. m.]

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## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

PART 15—RADIO STATIONS IN THE WAR EMERGENCY RADIO SERVICE

REVOCATION OF PART

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of July 1948;

It appearing, that on August 21, 1945, the Commission adopted Order No. 127 cancelling all War Emergency Radio Service station licenses and operator permits, and Part 15 of the rules and regulations governing the operation of stations and operators in this service, effective November 15, 1945; and

It further appearing, that on October 31, 1945, the Commission adopted Order No. 127–A, permitting the continued operation of State Guard stations in the War Emergency Radio Service for the proper training and functioning of State Guard organizations for a further temporary period pending reactivation of the National Guard, said order extending State Guard station and operator licenses and those parts of Part 15 of the rules and regulations concerning the War Emergency Radio Service as were applicable thereto, until July 1, 1946; and

It further appearing, that successive extensions of the foregoing order were made by the Commission in Orders 127–B and 127–C; and

It further appearing, that no useful purpose would be served by extending either Part 15 of the rules and regulations or Order No. 127–C, both of which expire on July 1, 1948, by virtue of said Order No. 127–C;

*It is therefore ordered*, That effective July 1, 1948 (3 a. m. eastern standard time), Part 15 of the Commission's rules and regulations, together with Order Nos. 127, 127–A, 127–B and 127–C, be and they hereby are, rescinded and revoked in their entirety.

Released: July 16, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-6612; Filed, July 22, 1948; 8:55 a. m.]

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# PROPOSED RULE MAKING

## FEDERAL COMMUNICATIONS COMMISSION

### [47 CFR, Part 3]

[Docket Nos. 8736, 8975]

TELEVISION ALLOCATION PROCEEDING

ORDER SCHEDULING ORAL ARGUMENT

In the matter of amendment of § 3.606 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1948.

The Commission having before it requests from various parties to the above-entitled proceeding, and a petition from the Federal Communications Bar Association, that the Commission afford interested parties an opportunity to present oral arguments with respect to the issues arising out of the Commission's notice of proposed rule making dated May 5, 1948, the supplemental notice of proposed rule making dated July 15, 1948, and the statements, arguments and testimony submitted with respect thereto;

*It is ordered*, That oral arguments in the above-entitled proceeding will be heard by the Commission on August 16, 1948, at 10 a. m. in Room 6121, New Post Office Building, 12th Street and Pennsylvania Avenue, Washington, D. C.;

*It is further ordered*, That the Federal Communications Bar Association is authorized to present oral argument herein with respect to the issues raised in its petition filed on June 25, 1948;

*It is further ordered*, That participation in said oral argument shall be limited to parties or their counsel whose duly filed appearances, statements or comments with respect to the Commission's proposals herein have been accepted by the Commission and who have filed briefs in support of their proposed oral arguments with the Commission on or before August 11, 1948; and that such oral argument will be limited to twenty minutes for each party.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-6659; Filed, July 22, 1948; 8:59 a. m.]

[47 CFR, Part 3]

[Docket Nos. 8737, 8975]

TELEVISION ALLOCATION PROCEEDING

NOTICE OF RESUMPTION OF HEARING

In the matter of amendment of § 3.606 of the Commission's rules and regulations.

The hearing in the above-entitled matter will reconvene on July 26, 1948, at 10 a. m. in the U. S. Department of Commerce Auditorium, 14th Street between E Street and Constitution Avenue NW., Washington, D. C. It is planned to have the witnesses appear in the order listed below. Any interested party entitled to offer testimony with respect to the subjects set forth below and whose name is not listed should communicate to Commission Counsel his desire to be heard. New appearances will not be accepted.

| Presentation by | Subject of testimony | Participating groups |
|---|---|---|
| Westinghouse Radio Stations, Inc. | Stratovision | Allegheny Broadcasting Corp.<br>WWSW, Inc.<br>WCAE, Inc.<br>The Helm Coal Co.<br>Pittsburgh Radio Supply House, Inc. |
| American Broadcasting Co., Inc. | Tropospheric effects | WGAR Broadcasting Co.<br>WJW, Inc.<br>Allen B. DuMont Laboratories, Inc.<br>United Broadcasting Co.<br>Cleveland Broadcasting Co.<br>Allen T. Simmons.<br>Summit Radio Corp.<br>Dispatch, Inc.<br>WCAE, Inc.<br>Central Pennsylvania Corp.<br>WJAC, Inc.<br>The Brush-Moore Newspapers, Inc.<br>Vindicator Printing Co.<br>Meadville Broadcast Service, Inc.<br>Appalachian Co.<br>Wyoming Valley Broadcasting Co.<br>Louis G. Baltimore.<br>Philco Television Broadcasting Corp.<br>Lehigh Valley Broadcasting Co.<br>WRAK, Inc. |
| Television Broadcasters Association. | Comments on proposed allocation. | |
| Allen B. DuMont Laboratories, Inc. | do | |
| Columbia Broadcasting System, Inc.<br>WTOP, Inc. | Directional antennas | Hearst Radio, Inc.<br>A. S. Abell Co.<br>Radio-Television of Baltimore, Inc.<br>Josiah P. Rowe. |
| National Broadcasting Co., Inc. | Directional antennas (limited to cross-examination of William S. Duttera and rebuttal by participating group). | Yankee Network, Inc.<br>WPIX, Inc.<br>The Travelers Boradcasting Service Corp.<br>The Connecticut Broadcasting Co.<br>American Broadcasting Co., Inc.<br>Bamberger Broadcasting Service, Inc.<br>The Hartford Times, Inc. |

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-6660; Filed, July 22, 1948; 8:59 a. m.]

# DEPARTMENT OF AGRICULTURE

## Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR FRESH TOMATOES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948), that the United States Department of Agriculture is considering the issuance of United States Consumer Standards for Fresh Tomatoes.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same with Mr. M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.420 *Consumer standards for fresh tomatoes*—(a) *General.* (1) These standards apply only to field-grown tomatoes and not to tomatoes grown in greenhouses.

(b) *Grades*—(1) *U. S. Grade A.* U. S. Grade A shall consist of tomatoes of similar varietal characteristics which are mature and are at least turning (See Maturity Classification), but are not over-ripe or soft; which are well developed, at least fairly well formed, fairly smooth, free from soft rot, freezing injury, and from damage caused by dirt, bruises, cuts, shriveling, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, dry rot, other diseases, insects, hail, or mechanical or other means. Tomatoes on the shown face shall be reasonably representative in size and quality of the contents of the container. (See paragraph (c) of this section.)

(i) Incident to proper grading and handling, except for maturity, not more than 5 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for tomatoes which are affected by soft rot.

(2) *U. S. Grade B.* U. S. Grade B shall consist of tomatoes of similar varietal characteristics which are mature and are at least turning (See Maturity Classification), but are not overripe or soft, and not badly misshapen; which are free from soft rot, freezing injury, and from serious damage caused by dirt, bruises, cuts, shriveling, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, dry rot, other diseases, insects, hail, or mechanical or other means. Tomatoes on the shown face shall be reasonably representative in size and quality of the contents of the container (See paragraph (c) of this section).

(i) Incident to proper grading and handling, except for maturity, not more than 5 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for tomatoes which are affected by soft rot.

(c) *Size classification.* The following terms may be used for describing the size of the tomatoes in any lot:

| *Small* | *Medium* |
|---|---|
| Under 3 oz. | 3 to 6 oz., inc. |
| *Large* | *Very large* |
| Over 6 to 10 oz., inc. | Over 10 oz. |

(1) The tomatoes may also be classed in terms of combinations of the above sizes, as "Small to Medium," "Medium to Large," "Small to Very Large," etc., in accordance with the facts.

(2) Incident to proper sizing, not more than 10 percent, by count, of the tomatoes in any lot may vary from the size specified.

(d) *Maturity classification.* Tomatoes which are characteristically red when ripe, but are not overripe or soft, may be classified for maturity as follows:

(1) Turning, when at least some part of the surface of the tomato, but less than one-half of the surface in the aggregate, is covered with pink color.

(2) Pink, when the tomato shows from one-half to three-fourths of the surface in the aggregate covered with pink or red color.

(3) Hard ripe, when the tomato shows three-fourths or more of the surface in the aggregate covered with pink or red color.

(4) Firm ripe, when the tomato shows three-fourths or more of the surface in the aggregate covered with red color characteristic of reasonably well ripened tomatoes.

(5) Incident to proper maturity determination, not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the maturity specified: *Provided,* That not more than 5 percent shall be allowed for tomatoes which are immature or are overripe or soft.

(e) *Off-grade tomatoes.* Tomatoes which fail to meet the requirements of either of the foregoing grades shall be Off-Grade tomatoes.

(f) *Definitions.* (1) "Similar varietal characteristics" means that the tomatoes are alike as to color, i. e., bright red varieties shall not be mixed with varieties which have a purplish tinge.

(2) "Mature" means that the tomato has reached the stage of development which will insure a proper completion of the ripening process.

(3) "Well developed" means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue and usually open spaces, are not considered well developed.

(4) "Fairly well formed" means that the tomato is not decidedly kidney-shaped, lopsided, elongated, angular, or otherwise deformed.

(5) "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

(6) "Damage" means any defect which materially affects the appearance, or edible, shipping or keeping quality of the tomatoes. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Cuts which are not shallow, not well healed, or when more than ½ inch in length.

(ii) Puffiness if the open space in one or more locules materially affects the appearance when the tomato is cut through the center at right angles to a line running from the stem to the blossom end.

(iii) Catfaces: These are irregular, dark, leathery scars at the blossom end of the fruit. Such scars damage the tomato when they are rough or deep, or when channels extend into the locule, or when they are fairly smooth and greater in area than a circle ⅜ inch in diameter on a 2½ inch tomato. Smaller tomatoes shall have lesser areas of fairly smooth catfaces and larger tomatoes may have greater areas, provided that such catfaces do not affect the appearance of the tomatoes to a greater extent than that caused by fairly smooth catfaces which are permitted on a 2½ inch tomato.

(iv) Growth cracks: These are ruptures or cracks radiating from the stem scar, or concentric to the stem scar. They damage the tomato when not well healed, or when more than ½ inch in length measured from the margin of the stem scar; except that very narrow, well healed cracks concentric to the stem scar shall not be considered as damage unless they are so numerous as to damage the appearance of the fruit.

(v) Scars (except catfaces), when dark colored and shallow and aggregating more than ¼ inch in diameter on a tomato 2½ inches in diameter, or lighter colored shallow scars covering a greater area when they detract from the appearance to a greater extent than a dark-colored, shallow scar ¼ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided,* That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a 2½-inch tomato. A scar which penetrates the wall of the tomato shall be considered as damage.

(vi) Dry rot such as dry type Macrosporium or Phoma, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than 3/16 inch in diameter.

(7) "Badly misshapen" means that the tomato is so badly deformed that its appearance is seriously affected.

(8) "Serious damage" means any defect which seriously affects the appearance, or edible, shipping, or keeping quality of the tomatoes. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Soft ripe tomatoes or tomatoes affected by soft rot.

(ii) Fresh holes or cuts, or any holes or cuts through the tomato wall, or healed cuts which seriously affect the appearance of the tomato.

(iii) Tomatoes showing any effects of freezing.

(iv) Puffiness which causes the tomato to be distinctly light in weight.

(v) Growth cracks, when not well healed, or when so extensive, deep or discolored that the appearance of the tomato is seriously affected.

(vi) Scars (except catfaces), when dark colored and shallow and aggregating more than ½ inch in diameter on a tomato 2½ inches in diameter, or lighter colored, shallow scars covering a greater area when they detract from the appearance to a greater extent than a dark-colored, shallow scar ½ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas, provided that such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a 2½ inch tomato.

(vii) Dry rot such as dry type Macrosporium or Phoma, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than ¼ inch in diameter.

(viii) Fruit actually infested with worms.

Done at Washington, D. C., the 20th day of July 1948.

[SEAL] JOHN I. THOMPSON,
*Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 48-6633; Filed, July 22, 1948; 8:53 a. m.]

# NOTICES

## DEPARTMENT OF COMMERCE

### Office of Industry Cooperation

PROPOSED VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF ARMED FORCES

NOTICE OF PUBLIC HEARING

In order to carry out the requirements of Executive Order 9919 (13 F. R. 59), and acting under the authority vested in me by said Executive order,

Notice is hereby given that a public hearing will be held on Tuesday, the 3d day of August 1948, at 10:00 a. m., d. s. t., in the Auditorium on the street floor of the Department of Commerce Building, 14th Street, between E Street and Constitution Avenue, in the City of Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for requirements of Armed Forces, of which plan a draft is set forth in Appendix A hereto (subject to further revisions at and subsequent to the public hearing).

The proposed plan has been formulated after consulting with representatives of the various industries involved and of the Armed Forces.

Any person desiring to participate in said public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., d. s. t., on Friday, the 30th day of July 1948. Persons desiring to present written statements or memoranda should submit them at the hearing.

[SEAL] CHARLES SAWYER,
*Secretary of Commerce.*

APPENDIX A

Proposed voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for requirements of Armed Forces.

1. *What this plan does.* This plan sets up the procedure under which steel producers agree voluntarily to make steel products available either directly to the Army, Navy or Air Force (hereinafter referred to collectively as the Armed Forces) or to persons who

need such products to fill contracts for the Armed Forces.

2. *Agreement by steel producers.* The steel producers participating in this plan will, while the plan remains in effect, make steel products available, out of their own production or that of their subsidiaries or affiliates, directly to the Armed Forces or to persons who need such products to fill requirements under contracts for the Armed Forces, and who comply with the provisions of this plan.

3. *Determination of quantities to be furnished by respective producers.* The quantities of each steel product to be made available by each steel producer participating in this plan will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable.

4. *Contractual arrangements.* The participating steel producers, or their subsidiaries or affiliates, will make contractual arrangements directly with the Armed Forces procurement agencies or persons requiring steel products under this plan. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any steel product is actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* Each participating steel producer need make available under this plan only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products under this plan, and the quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each participating steel producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that Office periodic reports of the total quantities, by types, of steel products shipped under this plan.

7. *Steel consumers entitled to benefit under this plan.* This plan is available to all Armed Forces procurement agencies and to all individuals, firms, associations, companies, corporations, or organized manufacturing industries which have contracts for delivery of products or materials to the Armed Forces, either directly on prime contracts or indirectly on subcontracts, and which need steel, in the form of steel products sold by steel producers, in order to fill such contracts, provided the prime contracts have been designated by the Armed Forces as entitled to the benefits of this plan. Responsible authorities within the Armed Forces will determine which particular contracts are entitled to the benefits of the plan and, in such cases, will so notify the prime contractors in writing. In the case of contractors or subcontractors, the plan applies only to steel products which are needed as production material for physical incorporation in the end product or in part of the end product to be delivered to the Armed Forces. It does not apply to steel products for plant construction or equipment unless the plant or equipment is to be owned by the Armed Forces.

8. *Plan may not be used when steel otherwise available.* Consumers who have steel products acquired or under arrangements for other purposes, which are suitable for filling their contracts or subcontracts with the Armed Forces requirements over such available supplies. However, steel products acquired through other voluntary plans under Public Law 395 or through other forms of government allocations or priorities assistance need not be taken into account in determining such excess.

9. *Procedure by which steel consumers may secure steel products under this plan.* A steel consumer placing an order for steel products, all or some of which are being purchased under this plan, must (a) separately identify the quantities being ordered under this plan, (b) place on the order a certificate in the following form, and (c) specify, in the certificate, the official Armed Forces contract number or numbers involved:

> The undersigned certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the Department of Commerce that the items and quantities identified in this order as being for Armed Forces contract(s), designated below, are not more than the needed minimum quantities, after taking into account existing inventory and expected receipts on other orders, to fill the requirements of the undersigned under Armed Forces Contract(s) No. ------ (insert name of Armed Forces department and number of Armed Forces contract(s)); that all the steel products so identified in this order will be used solely to fill the undersigned's requirements under such contract(s); that the deliveries specified will not result in receipts of steel products at a rate in excess of the minimum requirements necessary to provide the deliveries of end products called for by such contract(s); and that this order is placed in accordance with the terms of the voluntary plan of the Department of Commerce for allocation of steel products for requirements of the Armed Forces, with which the undersigned is familiar.
>
> By ----------
> Title of duly authorized officer.
>
> ----------
> Dated ----------

10. *Reports from consumers.* The Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942) may require any consumer obtaining steel products under this plan to furnish reports with respect to steel products on hand and under arrangements, or any other information pertinent to any orders placed under this plan.

11. *Applicability of antitrust laws.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers by the Secretary of Commerce, any such steel producer may become a participant in this plan by advising the Secretary of Commerce of its acceptance of the request. Such requests for compliance will be effective for the purpose of granting certain immunity from the antitrust laws and the Federal Trade Commission Act as provided in section 2 (c) of Public Law 395, 80th Congress, only with respect to such steel producers as notify the Secretary of Commerce, in writing, that they will comply with such request.

12. *Effective date and duration.* This plan shall become effective on the date of its final approval by the Secretary of Commerce, and, unless previously extended pursuant to applicable law and with the consent of the participants, shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days' notice by letter, telegram or publication in the FEDERAL REGISTER.

13. *Withdrawal from plan.* Any steel producer may withdraw from this plan by giving not less than 60 days' written notice to the Secretary of Commerce.

[F. R. Doc. 48-6654; Filed, July 22, 1948; 8:59 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7825, 7826]

## BEN K. WEATHERWAX AND FRED G. GODDARD

### ORDER REOPENING HEARING

In re applications of Ben K. Weatherwax, Aberdeen, Washington, Docket No. 7825, File No. BP-5098; Fred G. Goddard, Hoquiam, Washington, Docket No. 7826, File No. BP-5180; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 12th day of July 1948;

The Commission having under consideration the record in the above-entitled proceeding; and

It appearing, that the above-entitled applications were heard in a consolidated proceeding on January 27, 28, 1947; and that the Commission is unable to determine from said record whether the above-entitled application of Fred G. Goddard was filed in good faith or for the purpose of delaying or preventing the establishment of a competitive broadcast service to Station KXRO, Aberdeen, Washington;

*It is therefore ordered,* That the record in the above-entitled proceding be, and it is hereby, reopened for further hearing to be held at Hoquiam, Washington, at a time to be set by subsequent order, upon the following issues:

1. To determine whether the above-entitled application of Fred G. Goddard was filed in good faith or for the purpose of delaying or preventing the establishment of a competitive broadcast service to Station KXRO, Aberdeen, Washington.

2. To determine on a comparative basis from the record made at the further hearing and the record heretofore compiled in this proceeding, which, if either, of the applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-6609; Filed, June 22, 1948; 8:49 a. m.]

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[Docket No. 9094]

## INTERNATIONAL TELEGRAPH CHARGES AND SERVICES

### ORDER INSTITUTING INVESTIGATION

In the matter of international telegraph charges and services; questions of unification of rates for ordinary plain language, cipher, and code telegrams, and related questions; rates for international government telegrams; and adherence by United States Government to the international telegraph regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of July 1948;

The Commission, having under consideration three resolutions adopted at the Sixth Meeting of the International Telegraph Consultative Committee (CCIT),

held at Brussels, Belgium, in May 1948, which resolutions may be described as follows:

(1) That the Administrative Telegraph and Telephone Conference to be held in Paris in 1949 should study and take a definite decision on the question of unification of rates for ordinary plain language, cipher, and code telegrams; of accompanying adjustments in the coefficients governing the rates for the other classes of telegrams; of a reduction in the number of classes of telegrams at reduced rates; and of simplification of the related regulations; and that all the members of the International Telecommunication Union be requested to circulate through the Bureau of the Union to all the other members of the Union, as soon as possible after October 1, 1948, but in no case later than February 1, 1948, their views on the above questions, accompanied by specific proposals for revised coefficients for all the classes of telegrams.

(2) That all members of the International Telecommunication Union and recognized private operating agencies express their opinion on the general question of the rates for Government telegrams, in connection with, among other things, the preparation of proposals for the Telegraph and Telephone Conference to be held in Paris in 1949.

(3) That the countries which do not now accept the International Telegraph Regulations (which includes the United States) indicate to the Secretary-General of the International Telecommunication Union by January 1, 1949, at the latest, the provisions of those regulations which have so far prevented acceptance of the regulations; and that a special committee composed of representatives of eight countries, including the United States, meet at Geneva, Switzerland, during the month of January, 1949, which committee is charged with proposing the modifications which are required in the regulations in order that these can be accepted by all countries which are members of the International Telecommunication Union.

It appearing, that in accordance with its responsibilities in the field of international telecommunications under the provisions of the Communications Act of 1934, as amended, the Commission should proceed to formulate its position on the above matters, and that this should be done after all interested parties, including the users of international communications services, the communication carriers subject to the Commission's jurisdiction, and other United States Government agencies, have had an opportunity to present evidence and views at a public hearing;

*It is ordered*, That, pursuant to sections 201, 202, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the following matters:

(1) Questions of unification of rates for international ordinary plain language, cipher and code telegrams; of accompanying adjustments in the coefficients governing the rates for the other classes of international telegrams; of a reduction in the number of classes of international telegrams at reduced rates; and of simplification of the related regulations.

(2) The question of the rates for Government international telegrams, including the rates charged to various specialized international governmental agencies.

(3) The question of what changes, if any, would be required in the present International Telegraph Regulations (Cairo Revision, 1938) to make them acceptable to the United States Government.

*It is further ordered*, That without in any way limiting the scope of the proceeding herein, it shall include inquiry into the following matters:

(1) Unification of the rates for ordinary telegrams composed of plain, cipher, or code language or any mixture thereof;

(2) In the event of such unification of rates, the appropriate ratios between the rates for the other classifications of international telegrams and the new unified rate for plain, cipher and code language telegrams.

(3) In the event of such unification of rates, the minimum number of chargeable words that should be established for the various classifications of international telegrams;

(4) Whether code language should be permitted in the deferred and letter classifications;

(5) The classifications of international telegraph services that should be recognized;

(6) Whether there should be an "urgent" classification, and if so, the ratio to be observed between the rate for such classification and the rate for ordinary telegrams, and the minimum number of chargeable words to be applicable to such classification;

(7) The measures, if any, by way of simplification that should be effected with respect to the present regulations governing charges and services in connection with international telegraph communications;

(8) The basis and justification for the present lower rates applicable to United States Government international telegrams and to telegrams to certain international Governmental agencies, as compared with rates charged to commercial users for similar classes of messages;

(9) The just and reasonable ratios to be observed between the charges for United States Government international telegraph communications and those of commercial users, and the classifications, regulations and practices that are or will be just, fair and reasonable for and in connection with such communications;

*It is further ordered*, That all parties herein shall submit in writing, no later than August 5, 1948, their views as to what changes, if any, should be made in the present International Telegraph Regulations (Cairo Revision, 1938) in order to make them acceptable to the United States Government;

*It is further ordered*, That the following carriers: RCA Communications, Inc., Mackay Radio and Telegraph Co., Inc., The Commercial Cable Company, All America Cable & Radio, Inc., Commercial Pacific Cable Company, The Western Union Telegraph Company, Mexican Telegraph Company, Tropical Radio Telegraph Company, Press Wireless, Inc., Globe Wireless, Ltd., Radiomarine Corporation of America, U. S.-Liberia Radio Corporation, Cable & Wireless (W. I.), Ltd., The French Telegraph Cable Company, South Porto Rico Sugar Company, and American Telephone and Telegraph Company, are hereby made parties respondent to this proceeding;

*It is further ordered*, That any department, establishment, or agency in the legislative, judicial or executive branches of the United States Government and any international governmental agency, is hereby given leave to intervene and participate fully in the proceeding herein;

*It is further ordered*, That any user of international communications services may intervene and participate fully herein by filing, no later than August 2, 1948, a notice of intention to do so;

*It is further ordered*, That hearings be held herein at the offices of the Commission in Washington, D. C., to begin at 10 a. m., on the 9th day of August 1948;

*It is further ordered*, That all parties herein shall submit, no later than August 2, 1948, a summary statement of the presentation which they intend to make at the hearings herein;

*It is further ordered*, That Commissioners Paul A. Walker and Rosel H. Hyde are authorized to preside at the hearing and otherwise to conduct the proceedings herein.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-6611; Filed, July 22, 1948; 8:55 a. m.]

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## WLBK

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on July 9, 1948, there was filed with it an application (BAL-750) for its consent under section 310 (b) of the Communciations Act to the proposed assignment of license of station WLBK from Theodore A. Lanes and Roland Wallem, d/b as DeKalb Radio Studios, to DeKalb Radio Studios, Inc., an Illinois corporation which has been formed by Lanes and others to purchase station WLBK and for other purposes. The proposal to assign the license arises out of a contract of May 18, 1948, pursuant to which Theodore A. Lanes and Roland Wallem have agreed to sell all their rights, title and interest in the assignor partnership to the assignee corporation for a consideration of $41,000. Roland Wallem, who is withdrawing from the station, has been paid $10 and the further sum of $14,990 is to be paid to him upon Com-

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

mission consent to the approval. The balance of $26,000 will be paid, upon Commission consent to the assignment, to Theodore A. Lanes in the form of 260 shares of $100 par value, common stock of the assignee corporation. All station assets and all indebtedness existing as of May 18, 1948, and which may be incurred in the operation of the station during the period of the contract will be assumed by the assignee. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant that starting on July 13, 1948, notice of the filing of the application would be inserted in the DeKalb Daily Chronicle a newspaper of general circulation at DeKalb, Illinois, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 13, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 48-6610; Filed, July 22, 1948; 8:49 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-854, G-962, G-963, G-1065, G-1070]

ATLANTIC SEABOARD CORP. ET AL.

ORDER SEVERING PROCEEDINGS AND FIXING DATE FOR RECONVENING HEARING

JULY 16, 1948.

In the matters of Atlantic Seaboard Corporation, and Virginia Gas Transmission Corporation, Docket No. G-854; Tennessee Gas Transmission Company, Docket No. G-962; Commonwealth Natural Gas Corporation, Docket No. G-963; East Tennessee Natural Gas Company, Docket No. G-1065; Tennessee Gas Transmission Company, Docket No. G-1070.

It appears to the Commission that:

(a) By order of July 13, 1948, it provided for consolidating the proceedings in Docket Nos. G-1065 and G-1070 with the previously consolidated proceedings in Docket Nos. G-854, G-962 and G-963, and for postponing the date of reconvening the hearing from July 20, to August 10, 1948.

(b) On July 15, 1948, Tennessee Gas Transmission Company (Tennessee) filed with the Commission a petition for reconsideration and vacation of the order of July 13, 1948.

(c) It is appropriate that the proceedings in Docket Nos. G-1065 and G-1070 be severed from the previously consolidated proceedings in Docket Nos. G-854, G-962, and G-963, that the hearing in Docket Nos. G-1065 and G-1070 be postponed to a date and place to be fixed by further order of the Commission, and that the hearing in consolidated proceedings in Docket Nos. G-854, G-962 and G-963 be reconvened on August 10, 1948.

The Commission, therefore, orders that:

(A) The proceedings in Docket Nos. G-1065 and G-1070 be and they are hereby severed from the proceedings in Docket Nos. G-854, G-962 and G-963 and that the hearing upon the applications in Docket Nos. G-1065 and G-1070 be and it is hereby postponed to a date and place to be fixed by further order of the Commission.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, the public hearing, now in recess in the consolidated proceedings in Docket Nos. G-854, G-962 and G-963, be reconvened on the 10th day of August 1948, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications and other pleadings in the aforesaid consolidated proceedings.

Date of issuance: July 19, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48-6587; Filed, July 22, 1948; 8:46 a. m.]

[Docket Nos. G-1003, G-1082]

INDIANA GAS & WATER COMPANY, INC., AND TEXAS EASTERN TRANSMISSION CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JULY 17, 1948.

Upon consideration of the application filed July 14, 1948, by Indian Gas & Water Company, Inc. (Applicant), an Indiana corporation with its principal office at Indianapolis, Indiana, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to establish physical connection of its gas transmission lines with the facilities of and to sell natural gas directly to Applicant or to Texas Gas Transmission Corporation for resale to Applicant, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G-1082 with proceedings in Docket No. G-1003 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. d. s. t.) on July 19, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., respecting the matters involved and the issues presented by the application of Indiana Gas & Water Company, Inc.;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket No. G-1003;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 19, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48-6585; Filed, July 22, 1948; 8:45 a. m.]

[Docket Nos. G-1003, G-1085]

NEW YORK AND RICHMOND GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JULY 17, 1948.

Upon consideration of the application filed July 15, 1948, by New York and Richmond Gas Company (Applicant), a New York corporation with its principal office at 691 Bay Street, Stapleton, Staten Island, New York, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to establish physical connection of its gas transmission lines with the facilities of and to sell natural gas to Applicant, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G-1085 with proceedings in Docket No. G-1003 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. d. s. t.) on July 19, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of New York and Richmond Gas Company:

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket No. G-1003;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the

Commission's rules of practice and procedure.

Date of issuance: July 19, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-6586; Filed, July 22, 1948; 8:46 a. m.]

## POST OFFICE DEPARTMENT

### INTERNATIONAL MAILS

#### RELIEF PACKAGES

In accordance with the provisions of the "Economic Cooperation Act of 1948", the Administrator of the ECA is authorized to use certain funds made available for the purpose, insofar as practicable and under rules and regulations prescribed by him, to pay ocean freight charges on certain relief parcels, and, where practicable, to make agreements with participating countries to absorb terminal charges on such parcels.

Effective July 6, 1948, and until further notice, the present postage rates on such relief parcels sent by surface means will be reduced by 4 cents per pound for the following countries only: Austria, Belgium, China, France, Great Britain and Northern Ireland, Greece, Italy, Luxemburg, Netherlands, and the zones of Germany and Trieste under occupation by the United States, Great Britain or France.

A "relief parcel" is defined as one originating in the United States (including its territories and insular possessions) and consigned by an individual sender to an individual addressee for the personal use of himself or his immediate family. The items which may be included in these relief parcels are limited to non-perishable food; clothing and clothes-making materials; shoes and shoe-making materials; mailable medical and health supplies; and household supplies and utensils if permitted under existing postal regulations.

The combined total domestic retail value of all soap, butter and other edible fats and oils included in each relief parcel must not exceed $5.00; and the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each relief package must not exceed $5.00.

The maximum weight and dimensions of each relief parcel must conform to the regulations applicable at the time of mailing to parcel post for the particular country of destination. These parcels may be registered or insured to those countries to which such service is available.

When a relief parcel is presented for mailing under these regulations the words "USA Gift Parcel" shall be conspicuously endorsed by the mailer on the address side of the parcel and also on the customs declaration. The use of the words "USA Gift Parcel" will be a certification by the mailer that the provisions of the ECA regulations have been met.

Customs declaration (Form 2966), and Dispatch Note (Form 2972) if required, must be attached to these relief parcels.

The relief parcels should be forwarded in regular course to the same exchange offices in the United States to which other parcels for the same countries are now being dispatched. Whenever the quantity warrants, separate sacks containing these relief parcels should be made up and the sack labels endorsed "USA Gift Parcels". Separate instructions will be issued to the United States exchange offices where closed parcel post mails are made up for any of the countries listed above.

These instructions apply only to relief parcels as described above, and do not apply to parcels to be sent by air or to parcels of a commercial nature.

[SEAL] V. C. BURKE, *Acting Postmaster General.*

[F. R. Doc. 48-6594; Filed, July 22, 1948; 8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### THORNTON & CO.

#### ORDER STAYING EFFECTIVE DATE OF REVOCATION AND EXPULSION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of July A. D. 1948.

In the matter of Thornton & Co., Box 203, Wall Street Station, New York 5, New York.

The Commission having issued its findings and opinion and order dated July 14, 1948, revoking registration and expelling registrant from the National Association of Securities Dealers, Inc.;

The registrant having stated its intention to file a petition for rehearing or for review and of seeking a stay of such order in connection with such request, and having requested an interim stay from the Commission for the purpose of enabling it to take such steps;

*It is ordered*, That the effective date of said order of revocation and expulsion be and it hereby is stayed up to and including July 23, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6603; Filed, July 22, 1948; 8:48 a. m.]

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### THORNTON & CO.

#### ORDER DENYING MOTION TO DISMISS PROCEEDINGS, REVOKING REGISTRATION AND EXPELLING REGISTRANT FROM NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of July A. D. 1948.

In the matter of Thornton & Co., Box 203, Wall Street Station, New York 5, New York.

Proceedings having been instituted to determine whether the registration as a broker and dealer of Thornton & Co. should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934, and whether Thornton & Co. should be suspended for a period not exceeding twelve months or expelled from the National Association of Securities Dealers, Inc. pursuant to section 15A (*l*) (2) of said act;

A hearing having been held after appropriate notice, and Thornton & Co. having filed a motion to dismiss the aforesaid proceedings;

The Commission having this day issued its findings and opinion, and on the basis of said findings and opinion

*It is ordered*, That the aforesaid motion to dismiss the proceedings be and it hereby is denied; and

*It is further ordered*, That the registration as a broker and dealer of Thornton & Co. be and it hereby is revoked and that Thornton & Co. be and it hereby is expelled from membership in the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6602; Filed, July 22, 1948; 8:48 a. m.]

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### J. OMER HEBERT

#### MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of July A. D. 1948.

In the matter of J. Omer Hebert, 513 Meriam Street, Plaquemine, Louisiana.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 to determine whether it is in the public interest to revoke the registration as a broker and dealer of J. Omer Hebert for alleged willful violations of section 17 (a) of the act and Rule X-17A-5 promulgated thereunder.

After appropriate notice a hearing was held before a hearing examiner. Respondent acknowledged notice of the hearing but did not appear. On the basis of the record, we make the following findings.

Respondent's registration became effective in 1936. In accordance with section 17 (a) of the act, Rule X-17A-5 requires that every registered broker and dealer shall file a report of his financial condition during each calendar year commencing January 1, 1943, and that such report be as of a date not more than 45 days prior to the date of its filing.

Respondent filed no reports of his financial condition for the years 1943, 1944, 1945, and 1946, notwithstanding the fact that he was advised by our Atlanta Regional Office on several occasions that such reports were required by the act and our rule and the further fact that, at his request, he was furnished with detailed information, special advice and appropriate forms to aid in the preparation of such reports. After the institution of this proceeding, he did on April 30, 1948, file a statement of his financial condition as of June 30, 1947. However, this statement not only failed to comply with the requirement that it

be as of a date 45 days prior to its filing, but also failed in material respects to comply with other requirements of the rule.

Under the circumstances we conclude that Hebert has willfully violated section 17 (a) of the act and Rule X-17A–5, and that it is in the public interest to revoke his registration.

*It is therefore ordered,* That the registration of J. Omer Hebert as a broker and dealer be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–6601; Filed, July 22, 1948; 8:48 a. m.]

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STUART G. MCARTHUR

MEMORANDUM OPINION AND ORDER PERMITTING WITHDRAWAL

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of July A. D. 1948.

In the matter of Stuart G. McArthur, Laurel, Mississippi.

This proceeding was instituted under section 15 (b) of the Securities Exchange Act of 1934 to determine whether it is in the public interest to revoke the registration as a broker and dealer of Stuart G. McArthur for alleged willful violations of section 17 (a) of the Act and Rule X-17A–5 promulgated thereunder. After appropriate notice a hearing was held before a hearing examiner. Respondent acknowledged notice of the hearing but did not appear.

Respondent's registration became effective in 1940. In accordance with section 17 (a) of the act, Rule X-17A–5 requires that every registered broker and dealer shall file a report of his financial condition during each calendar year. Respondent failed to file reports during the years 1946 and 1947, though he was requested to do so on several occasions in communications sent to him by our Atlanta Regional Office.

After the institution of this proceeding, respondent addressed a letter to our Atlanta Regional Administrator, together with an affidavit in which he stated that he had closed his office about January 1946, that he has been in ill health since that time and that he now desires to withdraw his registration.

While in the situation here presented withdrawal of registration is not a matter of right,[1] we are of the opinion that, under the circumstances, it would be consistent with the public interest and the protection of investors to permit such withdrawal.

*Accordingly, it is ordered,* That the request to withdraw the registration of Stuart G. McArthur as a broker and dealer be, and the same hereby is, permitted to become effective forthwith; and that the proceedings to revoke registration be, and the same hereby are, dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–6600; Filed, July 22, 1948; 8:48 a. m.]

[1] See Rule X-15B–6 and "Guaranty Underwriters, Inc.," 14 S. E. C. 271 (1943).

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[File Nos. 54–66, 54–116, 59–61]

SCRANTON-SPRING BROOK WATER SERVICE CO. ET AL.

MEMORANDUM FINDINGS, OPINION AND ORDER OF COMMISSION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of July A. D. 1948.

In the matter of Scranton-Spring Brook Water Service Company, Pennsylvania Water Service Company, Federal Water and Gas Corporation, File No. 54–116; Federal Water and Gas Corporation and subsidiary companies, File No. 54–66; Federal Water and Gas Corporation and subsidiary companies, File No. 59–61.

On March 7, 1946, the Commission approved an Amended Plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Federal Water and Gas Corporation ("Federal"), a registered holding company, Pennsylvania Water Service Company ("Pennsylvania"), a subsidiary of Federal, and Scranton-Spring Brook Water Service Company ("Scranton"), a subsidiary of Pennsylvania and Federal.[1] The Amended Plan was designed to effectuate compliance by the applicants with the requirements of section 11 (b) and with our order thereunder dated February 10, 1943, directing the recapitalization of Scranton, the divestment by Federal of its interests in Scranton, and the elimination of Pennsylvania and of sixty-three inactive subsidiaries of Scranton from the Federal holding company system.[2]

In brief, the Amended Plan as approved by the Commission provided for the following steps: (a) The issuance by Scranton of 1,000,000 shares of new common stock with a stated value of $10,000,000 and the distribution of 689,138 shares of said new common stock to the public holders of preferred stock of Scranton and Pennsylvania, and the remaining shares to Federal; (b) the offer by Federal to purchase at $13.685 per share, for a limited period of time, all or any of the new 689,138 shares of Scranton's common stock distributed to Scranton and Pennsylvania's preferred stockholders; (c) the issuance and sale by Scranton at competitive bidding of $23,500,000 principal amount of 30-year First Mortgage Bonds and $10,000,000 par value Cumulative Preferred Stock; (d) the retirement by Scranton of its outstanding mortgage bonds at their respective redemption prices; and (e) the liquidation of Pennsylvania.

The Commission in its findings, opinion and order dated March 7, 1946, approving the Amended Plan, reserved jurisdiction with respect to the reasonableness and appropriate allocation of all fees, expenses, and other remuneration incurred by Scranton, Pennsylvania and Federal in consummation of the proposed transactions. Subsequently, applications, as amended, were filed setting forth the nature and extent of the services rendered for which fees and expenses have been requested in the aggregate amount of $313,712.24, classified and allocated between Scranton and Federal as follows:

TO BE PAID BY SCRANTON

| Legal | Fees | Disbursements | Total |
|---|---|---|---|
| Hughes, Hubbard & Ewing, counsel | $40,000 | $560.39 | $40,560.39 |
| Storey and Bailey, counsel | 6,000 | 375.82 | 6,375.82 |
| Ballard, Spahr, Andrews and Ingersall, counsel | 3,500 | | 3,500.00 |
| O'Malley, Harries, Harries and Warren, counsel | 2,500 | 871.69 | 3,371.69 |
| Bedford, Waller, Jones and Darling, counsel | 150 | 518.25 | 668.25 |
| Frank J. McDonnell, counsel | 10 | 10.00 | 20.00 |
| Total legal fees and expenses | 52,160 | 2,336.15 | 54,496.15 |
| Auditing and miscellaneous (Arthur Anderson & Co.) | | | 4,675.00 |
| Trustees, registrar and transfer agent | | | 65,496.04 |
| Printing | | | 69,870.91 |
| Miscellaneous fees and disbursements | | | 11,522.36 |
| Total auditing and miscellaneous expenses | | | 151,564.31 |
| Preferred Stockholders Committee:[1] | | | |
| Guggenheimer and Untermeyer, counsel | | | 33,000.00 |
| Reis and Chandler, financial advisers | | | 9,000.00 |
| Charles B. Wiggin, chairman | | | 2,000.00 |
| C. Shelby Carter, committeeman | | | 1,500.00 |
| Homer J. Belanger, committeeman | | | 1,500.00 |
| Morris Scharr, secretary | | | 600.00 |
| Michael J. McLaughlin, investigator and accountant | | | 500.00 |
| Disbursements of committee | | | 1,067.93 |
| Total fees and expenses of committee | | | 49,167.93 |
| Total to be paid by Scranton | | | 255,228.39 |

[1] In their original filing and prior to amendment, the committee requested total fees and expenses aggregating $61,367, consisting of the following amounts: Guggenheimer and Untermyer, counsel, $39,000; Reis and Chandler, financial adviser, $12,000; Charles B. Wiggin, chairman, $3,000; C. Shelby Carter, committeeman, $2,500; Homer J. Belanger, committeeman, $2,500; Morris Scharr, secretary, $750; Michael J. McLaughlin, investigator and accountant, $600 disbursements of committee, $1,017.

[1] See "Scranton-Spring Brook Water Service Company, et al.," — S. E. C. — (1946), Holding Company Act Release No. 6458.

[2] "Federal Water and Gas Corporation and Subsidiary Companies," 12 S. E. C. 766 (1943).

TO BE PAID BY FEDERAL

| Legal | Fees | Disbursements | Total |
|---|---|---|---|
| Hughes, Hubbard and Ewing, counsel | $50,000 | $111.16 | $50,111.16 |
| Miscellaneous fees and disbursements | | | 8,372.69 |
| Total to be paid by Federal | | | 58,483.85 |

In passing on allowances for fees and expenses in section 11 (e) cases the Commission has consistently held that compensation may be paid out of the estate only for such services as have contributed to the formulation of the plan finally adopted or to the defeat of a plan found to be unsatisfactory or which have otherwise been beneficial to the estate.[3] We have held that in section 11 proceedings "where counsel have acted for committees or other class representatives * * *, reasonable compensation out of the estate may be warranted in view of their service to a class of investors in the proceedings on the plan".[4]

Initially, Federal filed a plan proposing, among other things, the allocation of 69.4% of the new common stock of Scranton to the publicly held preferred stockholders of Scranton and 30.6% to Federal for its total holdings. In our order of January 8, 1945, we raised, among other questions, the issue whether Federal's direct and indirect interests in Scranton should be subordinated, in whole or in part, to the claims of public stockholders.[5] The plan, as finally approved by us, provided for an allocation to the public preferred stockholders of 68.91% and 31.09% to Federal, but also contained a proposal by Federal to purchase, at $13.685 per share, the 689,138 shares of new common stock allocated to the public preferred stockholders. The record shows that a preferred stockholders' committee, represented by Alfred Berman of the law firm of Guggenheimer & Untermyer, appeared in the proceeding to oppose the company's plan and in the course of such opposition prevailed upon Federal to make the purchase offer aplicable to all shares of the new common stock (689,138) allocated to the public preferred stockholders rather than only to 150,000 shares, as originally proposed by Federal. The record further shows that 483,192 of the new common shares allocated to the public preferred stockholders of Scranton and Pennsylvania were tendered to Federal under the purchase offer. Under the circumstances it appears that definite benefits were contributed to the reorganization and we are of the opinion that the members of the Committee and their counsel are entitled to be paid by the estate. We find that the total fees and expenses of $49,167.93 requested by the Committee are reasonable.

The requests made for legal fees and disbursements of counsel for the companies in the amount of $54,496.15 with respect to Scranton and $50,111.16 with respect to Federal have been considered in the light of the work involved and the contributions and benefits conferred upon Scranton and Federal, respectively, and we conclude that these fees and disbursements are not unreasonable. We have likewise considered the other fees and disbursements for which our approval is requested and we find that they are not unreasonable and that they are properly allocated between Federal and Scranton.

*It is therefore ordered*, That Scranton pay the fees and disbursements of the Preferred Stockholders' Committee, as itemized herein, in the aggregate amount of $49,167.93.

*It is further ordered*, That the jurisdiction heretofore reserved in our findings, opinion, and order dated March 7, 1946, with respect to the reasonableness and appropriate allocation of all other fees and expenses incurred by Scranton, Pennsylvania, and Federal in connection with said transactions be, and the same is, hereby released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-6599; Filed, July 22, 1948; 8:47 a. m.]

[3] See "The Laclede Gas Light Company, et al." — S. E. C. — (1947), Holding Company Act Release No. 7260.

[4] "Columbia Gas & Electric Corporation, et al." — S. E. C. — (1944), Holding Company Act Release No. 5460.

[5] Holding Company Act Released No. 5541.

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11535]

AUGUST LEHNERT

In re: Bond owned by August Lehnert. F-28-12948-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Lehnert, whose last known address is 51 Wilhelm Strasse, Ludwigsburg, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) 6% bond of St. Luke's English Evangelical Lutheran Church of Park Ridge, Illinois, of $500 face value, presently in the custody of A. G. Edwards & Sons, 409 North Eighth Street, St. Louis 1, Missouri, for the account of August Lehnert, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-6616; Filed, July 22, 1948; 8:50 a. m.]

[Vesting Order 11546]

ELIZABETHA WEIS

In re: Claim owned by Elizabetha Weis. F-28-12688-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabetha Weis, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: The claim against the State of Missouri and the State Treasurer of the State of Missouri, arising by reason of the collection or receipt by said Treasurer, of that sum of money representing the distributive share of Elizabetha Weis from the Estate of Theodore Ittner, deceased, and any and all rights to petition for the payment of said sum of money and to demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 48-6617; Filed, July 22, 1948; 8:51 a. m.]

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[Vesting Order 11550]

HACHIRO YUAIA

In re: Stock owned by Hachiro Yuaia. F-39-4563-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hachiro Yuaia, whose last known address is Doshisha University, Kyoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Fourteen (14) shares of $1.00 par value capital stock of Massachusetts Investors Second Fund, 19 Congress Street, Boston, Massachusetts, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered NL12135, registered in the name of Hachiro Yuaia, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 48-6618; Filed, July 22, 1948; 8:51 a. m.]

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WILLIAM W. AND ALOISIA FREUND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property and Location*

William W. Freund, and Aloisia Freund, Kew Gardens, Long Island, N. Y., 3887; $1,619.29 in the Treasury of the United States.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-6628; Filed, July 22, 1948; 8:52 a. m.]

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VICTOR J. SCHNEIDER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property and Location*

Victor J. Schneider, Detroit, Mich., 4228; $20,781.76 in the Treasury of the United States. 620 shares of the capital stock of The Charles E. Bresler Estate Land Company, a Michigan corporation. All right, title, interest, and claim of any kind or character whatsoever of Annie B. Schneider in and to the estate of Victor Bresler, deceased.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-6629; Filed, July 22, 1948; 8:52 a. m.]

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[Vesting Order 11555]

DEUTSCHE SUDAMERIKANISCHE BANK, A. G.

In re: Bonds owned by Deutsche Sudamerikanische Bank, Aktiengesellschaft, also known as Deutsch-Sudamerikanische Bank. F-28-857-A-3.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Sudamerikanische Bank, Aktiengesellschaft, also known as Deutsch-Sudamerikanische Bank, the last known address of which is Mohrenstrasse 20-21, Berlin W. 8, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Bearer and held in the name of Deutsch-Sudamerikanische Bank—Customers Account and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto,

b. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a custody cash account, entitled Deutsch-Sudamerikanische Bank, Customers Account, maintained at the office of the aforesaid bank located at 140 Broadway, New York 15, New York, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a custody cash account, General Ruling 6, account number XC 10625, entitled Deutsch-Sudamerikanische Bank, Customers Account, maintained at the office of the aforesaid bank located at 140 Broadway, New York 15, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Sudamerikanische Bank, Aktiengesellschaft, also known as Deutsch-Sudamerikanische Bank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 1, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

EXHIBIT A

| Name of bond and issuer | Bond No. | Amount |
|---|---|---|
| Buenos Aires Province Argentine External Readjustment Sinking Fund Dollar Bond of 1935, 4¾% due Mar. 1, 1977 | 33863 | $1,000 |
| Buenos Aires Province Argentine External Readjustment Sinking Fund Dollar Bond of 1935, 4¾% due Nov. 1, 1975. | M5011 | 1,000 |
| | M5012 | 1,000 |
| United States of Brazil Funding Bond of 1931 5% due Oct. 1, 1951. | M7322 | 1,000 |
| | C24612 | 100 |
| State of San Paulo, Brazil External Water Works Loan of 1926, Second Sinking Fund Gold Bond 7% due Sept. 1, 1956. | M5625 | 1,000 |
| | M5626 | 1,000 |
| City of San Paulo, Brazil External Second Sinking Fund Gold Bond 1927 6½% due May 15, 1957. | D252 | 500 |
| | M1638 | 1,000 |
| Republic of Chile External Loan Sinking Fund Gold Bond 6% due Mar. 1, 1962. | M133 | 1,000 |
| | M134 | 1,000 |
| | M135 | 1,000 |
| | M136 | 1,000 |
| Mortgage Bank of Chile Guaranteed Sinking Fund Gold Bond. | M7939 | 1,000 |
| | 11149 | 1,000 |
| | 11775 | 1,000 |
| | 5312 | 1,000 |
| | 5313 | 1,000 |
| Republic of Colombia External Sinking Fund Gold Bond 6% due Jan. 1, 1961. | M17106 | 1,000 |
| | 14435 | 1,000 |
| Republic of Colombia External Sinking Fund Gold Bond of 1928 6% due Oct. 1, 1961. | M889 | 1,000 |
| | M890 | 1,000 |
| | M891 | 1,000 |
| | C043534 | 100 |
| | C046335 | 100 |
| | C046336 | 100 |
| Conversion Office for German Foreign Debts Dollar Bond 3% due Jan. 1, 1946. | C046337 | 100 |
| | C046365 | 100 |
| | C046366 | 100 |
| | C046367 | 100 |
| | C046306 | 100 |
| | M010194 | 1,000 |
| General Electric Co. Germany Debenture Sinking Fund Gold Bond 7% due Jan. 15, 1945. | M2038 | 1,000 |
| | 8923 | 1,000 |
| Gesfurel Sinking Fund Gold Debenture Bond 6% due June 1, 1953. | 2468 | 1,000 |
| | 2469 | 1,000 |
| Rhine Westphalia Electric Power Corporation Consolidated Mortgage Gold Bond of 1930 6% due Apr. 1, 1955. | 9835 | 1,000 |
| | 9836 | 1,000 |
| Rhine Westphalia Electric Power Corporation Direct Mortgage Gold Bond 7% due Nov. 1, 1950. | M3015 | 1,000 |
| | 4845 | 1,000 |
| United Steel Works Corporation Sinking Fund Mortgage Gold Bond Series a 3¼% due June 1, 1951. | M5343 | 1,000 |
| | 13728 | 1,000 |
| Republic of Peru Peruvian National Loan External Sinking Fund Bond Second Series 6% due Oct. 1, 1961. | M7445 | 1,000 |
| | M7446 | 1,000 |
| | M7447 | 1,000 |
| | M7448 | 1,000 |
| | M7449 | 1,000 |
| | M7450 | 1,000 |
| | M7451 | 1,000 |
| | 5084 | 1,000 |
| | 5085 | 1,000 |
| | 5086 | 1,000 |
| | 5087 | 1,000 |
| Republic of Uruguay External Readjustment Sinking Fund Dollar Bond of 1937 4½% due Feb. 1, 1978. | M699 | 1,000 |
| | M700 | 1,000 |

[F. R. Doc. 48-6619; Filed, July 22, 1948; 8:51 a. m.]

[Vesting Order 11557]

JOHANNA HAMANN

In re: Debt owing to Johanna Hamann. F-28-8259-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Hamann, whose last known address is Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of City Bank Farmers Trust Company, 17 East 42nd Street, New York 17, New York, in the amount of $129.88, as of December 31, 1945, evidenced by secretary's check numbered T-32652, issued by City Bank Farmers Trust Company and drawn to the order of Johanna Hamann, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in and under the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 1, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-6620; Filed, July 22, 1948; 8:51 a. m.]

[Vesting Order 11560]

RICHARD KRAUSE

In re: Certificates of deposit owned by Richard Krause. F-28-6936-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Krause, whose last known address is Kuno Fischerstrasse 12, Berlin Charlottenberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights in and under two (2) certificates of deposit numbered M2360/61, of a total face value of $2,000, representing two (2) Twenty-Year Collateral Trust Convertible 5%, Series of 1930, Alleghany Corporation Bonds numbered M11423/24, said certificates registered in the name of Richard Krause, together with any and all rights in, to and under the aforesaid bonds including the rights to the proceeds of redemption,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 1, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-6621; Filed, July 22, 1948; 8:51 a. m.]

[Vesting Order 11562]

GUSTAV KUHWEIDE

In re: Bonds, bank account, scrip, warrant and coupons owned by Gustav Kuhweide. F-28-6793-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Kuhweide, on and since the effective date of Executive Order 8389, as amended, has been a resident of Kobe, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, in bearer form, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F87582, together with any and all rights thereunder and thereto,

b. That certain debt or other obligation owing to Gustav Kuhweide, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a Cash Custodian Account, entitled Gustav Kehweide, and any and all rights to demand, enforce and collect the same,

c. Those certain Konversionskasse Reichsmarks Scrip Series B, in bearer form, bearing the numbers 1442775 @ 5 RM, 0624929/34, 0624936/41, 0686551/6 @ 10 RM each, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

d. Twenty (20) coupons of $1.50 face value each, detached from Conversion Office for German Foreign Debts 3% Dollar bonds numbered CO 33192/93, CO 48645, CO 49133, CO 49177, said coupons presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

e. One coupon of $20.00 face value, detached from North German Lloyd S/F of 1933, 4% bond numbered M 3834, said coupon presently in the custody of The Chase National Bank, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto, and

f. One (1) North German Lloyd Warrant, in bearer form, bearing the number D 8708, said Warrant presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 1, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

EXHIBIT A

| Description of Issue | Certificate Nos. | Face value |
|---|---|---|
| Agricultural Mortgage Bank of Colombia Gtd 20 yr. 6% S/F | 1395/96 | [1] $1,000.00 |
| City of Antwerp, External S/F Gold 5% | M5717 | 1,000.00 |
| Chilean Consolidated Municipal Loan External A Stp. 31 yr. 7% S/F. | M2599 | 1,000.00 |
| | D402 | 500.00 |
| City of Copenhagen, Denmark 5% | M5374 | 1,000.00 |
| Conversion Office For German Foreign Debts 3% Dollar. | CO33192/93 | [1] 100.00 |
| | CO48645 | 100.00 |
| | CO49133 | 100.00 |
| | CO49177 | 100.00 |
| Frac. Conversion Office For German Foreign Debts 3% Dollar, series B. | 117466 | 10.00 |
| | 064540 | 5.00 |
| | 064670 | 5.00 |
| | 064678 | 5.00 |
| Kingdom of Denmark External 20 yr. 6% Gold. | M8073 | 1,000.00 |
| | M7525 | 1,000.00 |
| Kingdom of Denmark External Loan Gold 30 yr. 5½%. | M17701 | 1,000.00 |
| | M28946 | 1,000.00 |
| | M47625 | 1,000.00 |
| | M10305 | 1,000.00 |
| Kingdom of Denmark External 34 yr. Gold 4½%. | M21190 | 1,000.00 |
| | M38771 | 1,000.00 |
| | M39622 | 1,000.00 |
| | M39855 | 1,000.00 |
| General Electric Co., Germany Debenture 20 yrs. S/F Gold 7% | M3162 | 1,000.00 |
| German Consolidated Municipal Loan Sec. Gold S/F 7% | 6858 | 1,000.00 |
| North German Lloyd S/F of 1933, 4% | M3834 | 1,000.00 |
| Kingdom of Norway External 26 yr. S/F 4% | M28911/12 | [1] 1,000.00 |
| Kingdom of Norway External 29 yr. S/F 4¼% | M7627 | 1,000.00 |
| | 24384 | 1,000.00 |
| Rhine Westphalia Electric Power Corp. Mortgage Gold 7% | M3861 | 1,000.00 |

Each.

[F. R. Doc. 48-6622; Filed, July 22, 1948; 8:51 a. m.]

[Vesting Order 11604]

CLARA BECKER AND IRENE BECKER

In re: Bank account owned by Clara Becker, also known as Klara Baecker and Irene Becker, also known as Irene Baecker. F-28-27947-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Becker, also known as Klara Baecker and Irene Becker, also known as Irene Baecker, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Clara Becker, also known as Klara Baecker and Irene Becker, also known as Irene Baecker, by Dime Savings Building & Loan Association, Sharpsburg 15, Pennsylvania, arising out of a savings account, entitled Clara and Irene Becker, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-6623; Filed, July 22, 1948; 8:51 a. m.]

[Vesting Order 11605]

JOHN BECKER

In re: Bank account owed by John Becker. D-28-12165-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Becker, whose last known address is Munsterburg 114, Oberlahnkreis, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to John Becker, by The National Bank of Rochelle, Rochelle, Illinois, arising out of a checking account, entitled John Becker, maintained at the branch office of the aforesaid bank located at Rochelle, Illinois, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-6624; Filed, July 22, 1948; 8:51 a. m.]

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[Vesting Order 11609]

KOSHIRO ENDO

In re: Bank account owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Koshiro Endo, deceased.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Koshiro Endo, also known as K. Endo, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Security First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles 54, California, arising out of a savings account, entitled K. Endo, maintained at the branch office of the aforesaid bank located at 201 E. Compton Boulevard Compton, California, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Koshiro Endo, also known as K. Endo, deceased, by Charles Howard Ross, also known as C. H. Ross, 1001 W. 161st Street, Gardena, California, in the amount of $350.00, as of March 1, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Koshiro Endo, also known as K. Endo, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-6625; Filed, July 22, 1948; 8:52 a. m.]

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[Vesting Order 11613]

HENKEL & CIE., G. M. B. H.

In re: Bank account owned by Henkel & Cie., G. m. b. H. F-28-8274-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henkel & Cie., G. m. b. H., the last known address of which is Dusseldorf, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a blocked account entitled Hammond & Littell, Special Account No. 1, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Henkel & Cie., G. m. b. H., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-6626; Filed, July 22, 1948; 8:52 a. m.]

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ETIENNE AUGUSTIN HENRI HONORE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Etienne Augustin Henri Honore, Bethune, France, 35524; Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,148,267.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-6630; Filed, July 22, 1948; 8:52 a. m.]